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EAST FRONT OF THE CAPITOL AS DESIGNED BY LATROBE  
Drawing by the architect, signed and dated 1810. Only the wings had already been built.  
*Presented to the Maryland Historical Society, 1897, by Charles H. Latrobe.*



# MARYLAND HISTORICAL MAGAZINE

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## BENJAMIN HENRY LATROBE: THE MAN AND THE ARCHITECT

By TALBOT HAMLIN

Benjamin Henry Latrobe, more than any other one man, was the creator in America of the architectural profession, as well as the instigator of a new kind of architecture. He came to this country only a few years after the successful conclusion of the Revolutionary War had made it a nation; through his efforts and the efforts of the men he taught and influenced, its architecture became national and no longer colonial. He brought to the country a new vision of the dignity of classic simplicity. He showed the country the inspiration to be gathered from the perfection of ancient Greek buildings. He thus performed in this country almost the same function performed in England at about the same time by a man twelve years his senior, Sir John Soane. It is a somewhat disgraceful irony that even here in America there are more people who know the work and the genius of the English architect than those who know equally well the work and the genius of Latrobe.

There were many similarities between them. Both revolted against a worn-out tradition of older Georgian or Colonial Renaissance and Baroque; both felt that the nineteenth-century world demanded an architecture clearer, simpler, more powerful; both had to fight the entrenched supporters of the older forms; and both designed works of revolutionary import, which set the entire architectures of their respective countries on a different road. In character, too, there was much that was similar between them, for both men were emotional, at times embittered by their strug-

gles, and both had a genius for finding themselves immersed in futile controversy. Arthur Bolton in his *Portrait of Sir John Soane, R. A.* quotes a friend of Soane's as reminding him that "your constitution is too eager for stormy weather." Latrobe wrote of himself in the Envoi of his *Journal*: "I find infinite satisfaction in grumbling and complaining."

Of both, too, there is an unusually complete record in letters and drawings, so that we can, as it were, see them at work as well as study their completed works. Bolton says further of Soane:

Soane was an idealist, hardened but never entirely disillusioned by contact with the difficulties and disappointments to which all those who pursue a high aim, regardless of circumstances, are subjected.

When Latrobe, a year after his resignation as architect of the Capitol, the inevitable end of a long and futile squabble, went to New Orleans in connection with his water supply scheme, he went as essentially a disappointed man, although confident of his ultimate high rank among American architects. Yet his fame, even then, was greater than he realized, and *Ackermann's Repository*, in London, published a long and eulogistic obituary of him shortly after his death.

Latrobe was born in Yorkshire in 1762. He was half American by birth. His father was a Moravian clergyman, but his mother—Ann Margaret Antes—Moravian also, was of a Pennsylvania family and had come to Europe originally to be educated in a German school, where the elder Latrobe met her. Young Latrobe also was sent to Germany for his later education, first to a Moravian academy in Saxony, and then to the University of Leipzig, where he remained for three years.

When he left the university, out of pure adventurousness he and two English friends joined the German army and served for part of a year. Latrobe was slightly wounded, left the service—one judges, with considerable relief—and spent the rest of the year in making the usual young Englishman's "grand tour" of the Continent. The results of his German experience he embodied in two booklets he published later in England.<sup>1</sup> He had been interested in architecture and buildings from an early age, and

<sup>1</sup> *Characteristic Anecdotes and Miscellaneous Authentic Papers, Tending to Illustrate the Character of Frederick II, Late King of Prussia* (London, 1788).

*Authentic Elucidation of the History of Counts Struensee and Brandt, and of the Revolution in Denmark in the Year 1722* (London, 1789).

loved to sketch, and this trip seems to have determined his decision to seek his life work in architecture.

He returned to England in 1786, and for the next three years served some kind of an apprenticeship, first with Smeaton, the engineer (the famous designer of the Eddystone Lighthouse), where he imbibed the elements of engineering, and later with the architect Samuel Pepys Cockerell, a great-nephew of the famous diarist as well as the father of the C. R. Cockerell who later became a distinguished architect in his own right. The elder Cockerell, from whom Latrobe probably gained most of his strictly architectural training, was strangely enough not a member of the advance guard of English architects of his time. The greater part of his work, especially the East India House (which he designed), harks back to the dignified Palladianism of Sir William Chambers, rather than forward to the experiments which Soane was just beginning to make.

At the end of his three years' training, Latrobe struck out for himself, and made an early reputation in London—which gained him an appointment as surveyor to the Police Offices of London. Of his other English work there is little trace, though the *Ackermann* obituary mentions a house called Hammerwood Lodge, at East Grinstead, and implies other important domestic work. He had married the daughter of a London clergyman, Lydia Sellon. They had two children—a son, Henry, destined to become Latrobe's right-hand man in much of his work (and yet to predecease him, of yellow fever, in New Orleans in 1817), and a daughter, named after her mother, Lydia, who was to marry an American, Nicholas Roosevelt, the financier.

In 1793 Mrs. Latrobe died. Latrobe apparently felt himself at loose ends. The break in his life made future work in London distasteful to him, and we know that at that time he was an enthusiastic political radical, devoted to republicanism and liberty. What more natural than that his mind should turn to his mother's home, America? She must have told him much about it during his childhood. What tales he must have heard from her, as he sat at her feet in the little Yorkshire house!—stories of the busy Moravian farmers in that rich Pennsylvania country, descriptions of the hills and the woods and the lush valleys. Perhaps, too, she told him of Indians and the dangers of Indian invasion during

the French and Indian wars. She may have spoken of Franklin and the gradual growth of common colonial feeling in the mid-eighteenth century, and of the increasing vision of liberty that accompanied the rapidly growing wealth and security. He must have been filled with curiosity about the strange new country that had so recently been born. Adventurous, radical, with a half American background, emigration to America was the obvious step—and that step he finally took.

Arriving in America in 1796—not in Pennsylvania, where he had planned to go, but, through force of storm, at Norfolk—he made Virginia his home for the next three years. It was a strange, rather uncouth, rather half finished world that Latrobe found. The sketches which he made so plentifully show generally a most untidy landscape, with great houses rising out of half trimmed meadows, scraggly woods, and underbrush. It was a world where almost everything had to be done to make a civilized environment, and yet—though shoes were scarce and expensive, and even gentlemen went barefoot when they played billiards—it was a world full of idealism and full of determination.

Latrobe's professional abilities were instantly made use of. He worked on schemes to improve the navigation of the Potomac. He designed and built the Penitentiary at Richmond—long since destroyed—and possibly may have designed the Governor's Residence there, which seems to have many of the earmarks of his work. He made a trip to the Dismal Swamp to investigate the possibilities of drainage and navigation canals, and seems to have enjoyed every minute of a rather wandering, even almost purposeless, kind of life. And all the time he was making his beautiful and vivid watercolors of the country he was discovering.

These watercolors of Latrobe's are among the most informing portrayals we possess of that early America of the end of the eighteenth century. Technically excellent, facile and rapid, they yet have a compelling realism. One lives in them, one feels almost that he has actually traveled those rough roads, seen the stumps of newly felled trees, pressed through underbrush to the little garden of a big house, to find unusual and unexpected luxury within. Through these travels Latrobe came to know not only how the country looked, but also, as his *Journal*<sup>2</sup> shows, how all

<sup>2</sup> Benjamin Henry Latrobe, *The Journal of Latrobe* (New York, 1905), reproduces several of the Latrobe sketches.

sorts of people in America behaved—rich and poor, workers, farmers, slaves.

Yet at the same time he was meeting the best people of the country, and through the introduction of Bushrod Washington, whom he had met, he visited the Father of his Country at Mount Vernon. He made a superb sketch of Mount Vernon,<sup>3</sup> crowning the long sweep of grass that led down to the river, which shows us the house as it then stood, without the Chinese Chippendale railing that later decorated its cornice. But he did more. With his sketches<sup>4</sup> he takes us into the social life of Mount Vernon and shows us a tea party on the porch, with Miss Custis—evidently quite conscious of her classic profile, and dressed in the flowing classic folds which were then the latest mode—posing like a famous Pompeiian picture of Medea against the porch post.

But fate had other things in store for Latrobe than this peripatetic existence. A visit to Philadelphia in 1798 determined his future in more ways than one. During it he met the president of the Bank of Pennsylvania, and sketched out for him free-hand an idea for the bank building that was being considered. The sketch was preserved, discussed, and not long afterwards Latrobe (who had returned to Richmond) was astonished to hear that his design had been accepted and that he had been appointed architect of the bank.

He moved at once to Philadelphia, and there met, fell in love with, and was accepted by Mary Elizabeth Hazlehurst, the daughter of a shipping merchant, Isaac Hazlehurst. They were married at the Hazlehurst summer place in Mount Holly, New Jersey, on May 1, 1800—and it is said that on that very day construction work began on the bank! This marriage was to be even more important for Latrobe than his growing fame, and through the rest of his somewhat checkered career his wife was to be continuously his inspiration and, in the truest sense of the word, his helpmate.

The bank which Latrobe designed was a revolutionary creation.<sup>5</sup> Its broad wall surfaces, its arched windows, its templelike Ionic porticoes, using a Greek Ionic order, were about as different from

<sup>3</sup> Reproduced in *The Journal of Latrobe*.

<sup>4</sup> Reproduced in *The Journal of Latrobe*.

<sup>5</sup> Fiske Kimball, "The Bank of Pennsylvania, an Unknown Masterpiece of American Classicism," *Architectural Record*, Vol. XLIV, No. 2 (August, 1918).



the usual American public building of the time as anything could be. The clear breadth, the lack of baroque or rococo ornamentation, the construction of the whole in marble, the frank expression on the outside of the central banking room were all epoch-making and—interestingly enough—as unlike Cockerell's English work as they were unlike Blodgett's Bank of the United States, which had been built in Philadelphia shortly before. But it was not only the exterior which was different. Even more remarkable was the classic and monumental quality of the interior spaces—the simple magnificence of the plan, and the fact that its central circular hall (the entire width of the building) was covered over by a masonry dome, lighted by a central skylight. Here for the first time in America a large-scale masonry vault was used as the major element in a monumental interior. And from this beginning descends the whole line of those dignified brick-and-stone vaults which were the glory of the American architecture of the 1820's and '30's, reaching a climax perhaps in the Sub-Treasury Building in New York and the interiors of Girard College in Philadelphia. New, too, was the use of a Greek order. Latrobe stated that at the time it was designed he had no books of reference. The whole came out of his well-stored mind. But the order, nevertheless, was based directly on that of one of the porches of the Erechtheum, though slightly modified. And, just as this building contained the first great monumental masonry vault of the country, so it also—for the first time—displayed the grace, the elegance, the immaculate purity of Greek-inspired detail.

In the waterworks at Philadelphia, Latrobe made another extraordinary success. Put through against tremendous criticism, aroused by earlier ill-considered efforts which L'Enfant had proposed, the whole scheme faced almost continuous hostility. Yet, when it was completed and the pumps and engine at last set going, the water flowing through open hydrants raised cheers from the Philadelphia populace.

The water flowed, also, through the interesting fountains which the Pennsylvania sculptor William Rush had carved—the Nymph and the Swan—interesting examples in America of the emergence of sculpture into the field of city decoration. The fountains were crude enough, as we see them today, preserved on the banks of the Schuylkill; but they have vitality, they are sincere, and they

are characteristic of an idealism (vividly alive in those early days) which wished to make its public improvements beautiful as well as useful.

To house the pump and the engine Latrobe designed a most interesting square building with a circular, domed, central climax. Here, too, the Greek influence is apparent in the Greek Doric columns of the porch. But Latrobe was no slavish copyist—he did not hesitate to combine them with Roman arches and a central dome.<sup>6</sup>

As if not content with initiating the first masonry vaults and the first Greek detail in America, Latrobe also about this time (1799-1800) designed a house for Colonel Crammond—Sedgeley—in which the Gothic Revival made its first American appearance. Its Gothic, to be sure, is of a most elementary type, limited to Tudor drip moldings over the windows and pointed arches in the porch. But it was a significant building for all that. Sedgeley unfortunately was built without superintendence—and Latrobe remarks in a letter on April 1, 1805, that the result was a disgrace.

From then on Latrobe's architectural reputation was made. No doubt of that. Client after client came to him for house designs, and little by little, as the work increased, he began to draw around him a group of younger men, to whom he was both teacher and employer—Frederick Graff, the engineer; Robert Mills, the designer of the Washington monuments of Baltimore and Washington; William Strickland, the son of a brick-and-masonry contractor, whom Latrobe frequently employed and of whom he was apparently very fond; and others.

The Burd house is characteristic of many of these early Philadelphia houses. It is interesting to note how disdainful Latrobe seems in this design of anything beyond the mere force of its innate composition. How he delighted in the clear, unbroken brick walls, and emphasized the size of windows and door! The type is one not unknown in the America of that time. Some of Bulfinch's work has certain resemblances to it, and some of the great three-story houses of Portsmouth, New Hampshire, are not too far away in character. Yet nowhere was this type handled with the commanding power evident here; no other architect suc-

<sup>6</sup> Costen Fitz-Gibbons, "Latrobe and the Centre Square Pump House," *Architectural Record*, Vol. LXII, No. 1 (July, 1927).

ceeded as Latrobe did in giving the type not only its typical qualities, but individual qualities of great scale, humanized by great refinement. Monumental in scale, simple in scheme, almost bleak in its reticent detail, it may perhaps be compared in spirit with the entrance screen that Soane built at his estate, Tyringham, in England. How strange that these two men—working three thousand miles apart, and with apparently little (if any) direct knowledge each of the other, or any communication—should at the same time have developed such similar ideas, such a similar spirit!

Not all Latrobe's houses were as stark and monumental as the Burd house. The Markoe house is entirely different in spirit.<sup>7</sup> Its ingenious plan, with interesting shapes in all the rooms and a careful study of circulation and service, with its great triple windows on the main floor and its projecting octagonal bay, is characteristic of the new kind of freedom in domestic planning that was sweeping over American houses at this time—a movement to which Latrobe added so much. These Philadelphia houses of his were convenient, lavish, richly decorated. Letters to Robert Mills, who was acting as Latrobe's superintendent, show that the Markoe house, for instance, had a complete bathroom, with bath, wash basin, and water closet.<sup>8</sup>

And the Waln house—of which, alas, I have not been able to find any view—had a library frescoed with scenes based on Flaxman's illustrations for the *Iliad* and the *Odyssey*.<sup>9</sup> These were painted by George Bridport, who also decorated the ceiling of the first House of Representatives.

Latrobe's later houses, too, were distinguished for their growing quiet dignity, their clear composition, their convenient and efficient plans. Such was the Van Ness house, in Washington. How strongly the Greek Doric porch counts against the simple wall, with its slim and graceful bracketed cornice! Not a single piece of extraneous ornament, not a single unnecessary molding, clouds the clear surfaces.<sup>10</sup>

The more monumental Brentwood, near Washington, had the

<sup>7</sup> Shown in Fiske Kimball, *The Domestic Architecture of the American Colonies and of the Early Republic* (New York, 1922).

<sup>8</sup> Letter to Robert Mills, January 23, 1810, among the Latrobe papers in the possession of Ferdinand C. Latrobe, of Baltimore.

<sup>9</sup> The Latrobe papers, May, 1808.

<sup>10</sup> Shown in Fiske Kimball, *op. cit.*



same character of big dignity, and an even greater originality of plan. The two wings that form the little court at the back, shielding the loggia; the superb central domed room; the quiet relationship of wings and main portion—these make one all the more regret that such a beautiful house went to wrack and ruin years ago through pure carelessness. Such a central domed room as this was rare indeed in America. It is characteristic that Latrobe should have made such magnificent use of it, as in this grand and monumental, yet at the same time simple and gentlemanly, dwelling.

In these houses Latrobe, I think, went even beyond Soane's achievement in the garden front at Tyringham. There is in the English example perhaps still a little bit too much of the consciously seignorial. Soane's Bayfordbury (1809) shows more of the kind of simplicity, the monumental quality, which Latrobe was seeking; but Soane's touch is heavier, as perhaps befitted the differing life in England. Latrobe's house for the Commandant at the Washington Navy Yard and his beautiful Washington Navy Yard Doric entrance, official as they were, still preserved a great deal of this quality of innate modesty that is so evident in much of the Latrobe work.

The same quality shows in the work he did later for the Pittsburgh Arsenal. The Commandant's House<sup>11</sup> has the quiet detail we have already seen in the Van Ness mansion; but it is even freer, even more independent in type, and in its large triple windows (which light the ground-floor rooms) there is expressed a new feeling for glass and light and the relation of outdoors and in—a feeling which we can only call "modern."

There is a similar modern quality in the plans of this extraordinary house. The free and interesting shapes of the rooms, the ingenious way in which they are related, the excellent functional planning of the relationship of dining-room, pantry, and kitchen—all have a quality that is new even in the Latrobe work. These elements are in the best sense of the word "functional." All the important rooms look out in one direction over the pleasantest view. Orientation is being considered in this plan, as well as convenience of arrangement.

Yet all of this domestic work was not achieved without struggle.

<sup>11</sup> *Ibid.*

Not only were the forms new and strange, but the entire method of carrying them on was new. The idea of the professional architect as designer could only be seen as a danger—a rather shocking violation of accustomed ways—by all the old, traditionally trained builder-architects and carpenter-designers. And, especially in Philadelphia, these men, through the Carpenters' Company, had position and power. They were continually sniping at Latrobe and his work, spreading rumors of his extravagance, assailing the soundness of his practical knowledge, stealing his designs where they were successful, questioning his method of charging for his services.

Joseph Delaplaine, of Philadelphia, had asked Latrobe to write a book on architecture. On January 1, 1812, Latrobe answered him:

As to a work on architecture, I fear I am not the man to write one, which would be either popular, or useful to the mechanic . . .

Evidently Delaplaine persisted, for another letter of Latrobe's, on January 23,<sup>12</sup> complains of Delaplaine's insistence in the matter of the proposed work on architecture. Latrobe went on with a savage attack upon the Carpenters' Company of Philadelphia. He writes:

They have done me the honor to copy and to disgrace by their application almost all my designs from a molding to a plan of a whole building. . . . I have changed the taste of a whole city. My very follies and faults and whims have been mimicked, and yet there is not a single instance in which I have been consulted. . . . If I write at all, it must be for men of sense, and of some science.

Apparently the attacks, the difficulties in collecting his reasonable charges, and his continual fights with government officials about the Capitol hurt tremendously, often bringing him almost to the point of deserting the profession entirely, and on May 20, 1812, he wrote to Godefroy a bitter letter, ending:

I shall at last make cloth, steam engines or turn tailor for money, for money is honor. . . .<sup>13</sup>

But in the meanwhile, through all this struggle, Latrobe's work was gaining in amount and importance. In 1803 he altered

<sup>12</sup> Both letters are in the Latrobe papers.

<sup>13</sup> The Latrobe papers.

Nassau Hall at Princeton into its final form. The following year he designed the first building of Carlisle College, and later the Medical School of the University of Pennsylvania in Philadelphia. It was these three works, he wrote once,<sup>14</sup> of which he was most proud, because of his deep enthusiasm for education. In partnership with Godefroy, he helped design the great Exchange building in Baltimore, crowning its somewhat incoherent mass with his favorite motif—a noble Roman dome. Latrobe, however, was never at his best in partnerships. The Baltimore Exchange was not impeccable as design, and the partnership itself led only to the breaking of an old friendship.<sup>15</sup>

Very early, too, there came to him the great opportunity of designing a cathedral for the Roman Catholic diocese of Baltimore—a church which was to be the head church of Catholicism in the United States. His first thought seems to have been that such a church be Gothic, for—despite the comparative unsuccess of Sedgely—Latrobe's interest in Gothic still remained strong. In 1808 he built the Gothic Bank of Philadelphia, famous for its masonry Gothic vault. Mills was his superintendent and has stated that much of his own knowledge of vault building came from his experience on this assignment. The Bank of Philadelphia had a boardroom made like an English chapter house, with a central column.<sup>16</sup> The whole building must have been an unusual and a beautiful structure, however faint its reflection of archaeological correctness. It proves Latrobe's real feeling for Gothic (which is, of course, essentially a masonry-vaulted style)—a feel-

<sup>14</sup> To Henry Clay, with regard to the proposed college at Lexington, Kentucky, May 15, 1812. In the Latrobe papers.

<sup>15</sup> The basis of the final break seems to have been a tactless, abrupt letter which Latrobe wrote Godefroy on May 27, 1816, suggesting that, since the basic design of the Exchange had now been determined and adopted, it would be better if one or the other of them do the rest of the work alone. Latrobe wrote John Spear Smith on June 5 that evidently Godefroy considered that letter "an affront." Both letters are in the Latrobe papers.

For Godefroy's life and work, see Carolina V. Davison, "Maximilian and Eliza Godefroy," *The Maryland Historical Magazine*, Vol. XXIX, No. 1, (March, 1934); "Maximilian Godefroy," *ibid.*, No. 3 (Sept., 1934), and W. D. Hoyt, Jr., "Eliza Godefroy, Destiny's Footfall," *ibid.*, Vol. XXXVI, No. 1 (March, 1941).

The break was especially tragic because there had been the closest association between Latrobe and the Godefroys for many years, and in 1806 Latrobe had contributed several articles on art and architecture to Mrs. Godefroy's (Eliza Spear Anderson's) magazine *The Observer*. Manuscripts of these contributions are in Latrobe notebooks in the Maryland Historical Society.

<sup>16</sup> The Latrobe papers, December 1, 1807.

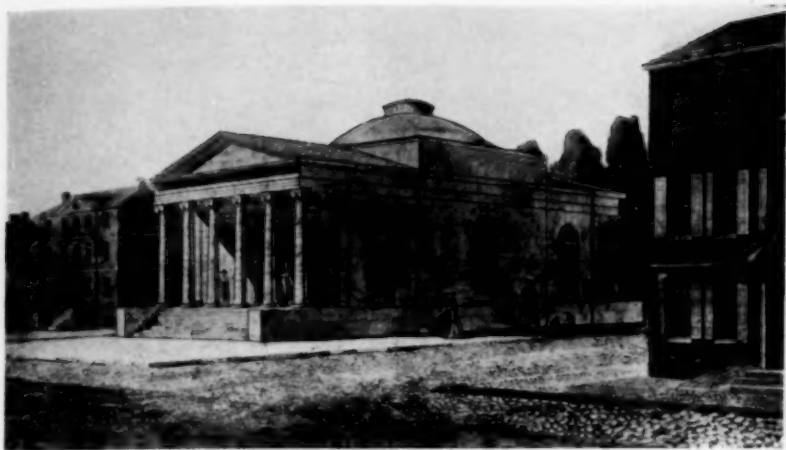
ing which may explain why he turned to Gothic in his first design for the Baltimore Cathedral.<sup>17</sup>

The design is in many ways extraordinary, although there is in it little archaeology, and apparently little real sense of the psychology of historical Gothic detail. Yet the design has quality. It is a kind of strange but quite convincing fairy-tale Gothic. The bold, simple surfaces of the front, the great recessed, pointed-arched portal, and the strong regularity of its mass show the hand of a designer with a strong personal feeling for form—a designer and not a copyist.

The side elevation shows this same feeling carried through the long flank; only the tower over the crossing seems rather ridiculously small, and insufficient to harmonize with the tremendous power of these great masonry surfaces. Nevertheless, personal as it all was, it was Gothic in spirit and ideal—Gothic of large, almost Italian scale, with ribbed intersecting vaults, a clerestory and vaulted side aisles—and the whole was supposed to be vaulted in masonry like the Bank of Philadelphia. A detail of the section taken through the transepts reveals the unusual quality of the design—the decorative handling of the vault ribbing, for instance, and the rather thin and liney quality of the tracery. One wonders, studying it, whether those slim piers could really have supported the weight of the vaults imposed upon them, and whether the exterior walls had buttressing sufficient to withstand the thrust those vaults would have set up. But such questions are academic, for the Bishop disapproved the Gothic scheme, and Latrobe—after one or two different schemes in a Roman vein (schemes first based on a Greek-cross plan)—finally arrived at the design which was constructed, the cathedral which today is one of the chief architectural glories of the city of Baltimore—a church unique in plan, unlike any other similar building either in America or Europe, full of interest in the relation of the barrel vault and saucer dome of the nave to the great dome of the crossing, a relation which creates all sorts of interesting and varied perspective views.

It is perhaps not a perfect church. Many people in early days

<sup>17</sup> Fiske Kimball, "Latrobe's Designs for the Cathedral of Baltimore," *Architectural Record*, Vol. XLII, No. 12, and Vol. XLIII, No. 1 (December, 1917—January, 1918). Latrobe's original drawings are preserved in the Diocesan offices.



BANK OF PENNSYLVANIA, BENJAMIN H. LATROBE, ARCHITECT

Drawing signed " — Latrobe Boneval 179-[?] "

*Presented to the Maryland Historical Society, 1897, by Charles H. Latrobe.*



LATROBE'S FINAL DESIGN FOR THE CATHEDRAL, BALTIMORE

Drawing without signature or date.

*Presented to the Maryland Historical Society, 1897, by Charles H. Latrobe.*







and today have found things to criticize in its detail treatment. The arch between the nave and the central dome has been deemed too thin to prepare one for the great size of that massive feature. The famous Mrs. Trollope, a century or more ago, found the use of the segmental arches unfortunate, and the effect of the whole too low for its width.<sup>18</sup> Yet, whatever the detailed criticisms, the essential dignity, the essential interest, the essential grandeur of the church are obvious to anyone.

And the exterior is the exterior of a building firm, broadly conceived, classic in its dignity and power and its restraint and exquisite detail. Only the upper part of the towers seems out of character with the breadth of the rest of the work—and they were built, we know, quite differently from the original belfries Latrobe had shown. In the Cathedral at Baltimore Latrobe created an American monument—individual, independent—which, after a century and a quarter have passed, still holds its place as something for which the city (perhaps even the country as a whole) can still be proud.

Latrobe made no fortune from this great job. We know from his letters that he gave his own services, and only billed the diocese for the actual expenses involved—the salaries of draftsmen, traveling expenses, and so on. And even this little bill was paid grudgingly, so little did the Americans of the time realize the cost and the value of genius.

Robert Mills was the chief draftsman on this work, laying out all the drawings for Latrobe to finish, and making many of the working details himself. Can we not find in the superb training which this gave at least part of the reason for all Mills's future successes? And did he not learn from his employer something of that simplicity which he instilled so magnificently into the Washington Monument which stands so near the cathedral?

Mills was the assistant Latrobe trusted most and worked with longest. The brilliant Strickland, perhaps more fantastic and less solid in character as a young man, was with Latrobe and then away, was with him again, and then finally left—much to Latrobe's disgust, for Latrobe apparently was fond of him, as he was of Strickland's father (a mason-contractor with whom he worked on several projects over a long period of time).<sup>19</sup>

<sup>18</sup> Mrs. Frances Milton Trollope, *Domestic Manners of the Americans* (London, 1832). Reprinted in America the same year.

<sup>19</sup> I owe many of these details to the courtesy of Mr. Ferdinand C. Latrobe.

Yet even with Mills his relations were sometimes strained. Each felt that the other on occasion had taken unfair advantage in professional matters—and especially in connection with the monumental church at Richmond, for which Latrobe had sketched out in letter form a graphic description of what he thought the monument should be. He felt the church idea was impossible within the appropriation, and that instead a sort of cenotaph, with an allegorical piece of sculpture within, would be the best solution.<sup>20</sup> He wrote about Mills in a rather paternally pained manner to Mr. Brockenbrough of Richmond; he comments on Mills as a pious young man, but is astonished that the committee had changed its decision from a monument to a church, and surprised that Mills had presented church designs. He refuses absolutely to make a competing design, and, although he claims that the basis of the Mills design was an idea that Latrobe had given him, he nevertheless urged the commissioners to employ Mills. It is a characteristic Latrobe letter—petulant in word, but kind in deed.<sup>21</sup>

Meanwhile, of course, Latrobe had been working on the Capitol, which had come to a stopping point in 1811 because of the growing controversy with England. Latrobe's position was that of architect for the Federal buildings, and as such he was working not only on the Capitol and the White House, but also on arsenals and navy yards.<sup>22</sup> And among these works the Pittsburgh arsenal stands out. Parts of it still remain, showing the quiet taste and firm hand of its designing architect. But the central building finally erected did not have quite the quality of the first sketch.

Latrobe's connection with Pittsburgh was not all as happy as that with the arsenal, and here we come to one of the great puzzles of the Latrobe life and the Latrobe character. Wherever he stuck close to architecture, he was successful and admired; but to his restless and adventurous soul architecture apparently was not enough. There was always in him something of the speculator, something of the financial pioneer, seeking for large gains out of the opening up of this extraordinary new country. And, wherever he became businessman or financier, there he met with failure, disappointment, almost despair.

<sup>20</sup> He describes his proposed monument in full in a letter to John Wickham, Richmond, January 21, 1812. The Latrobe papers.

<sup>21</sup> March 22, 1812. The Latrobe papers.

<sup>22</sup> Jefferson had appointed him in 1803.



He had the usual professional man's talent for losing money in sure things. Only—not content, like the average minister or doctor or architect, with filling his coffers with worthless stock—he aimed to use his engineering ability to activate and direct. The number of businesses he was in was colossal. Disappointed, perhaps, at what he deemed the low pay his professional talents brought, embittered by the professional jealousy of rivals and the attacks of the entrenched Carpenters, he turned to business with avidity.<sup>23</sup> He built mills and bought looms, to start a great textile industry—the result was disaster. He was interested in a scheme for making and selling buttons. He embarked with Nicholas Roosevelt—disastrously again—in a scheme for buying and selling second-hand arms and ammunition; this brought him not only financial disappointment, but also association with strange and notorious characters, and he was almost enmeshed in the wide web of the Burr conspiracy.

What brought him to Pittsburgh was a great scheme, with Nicholas Roosevelt and Robert Fulton, to make a fortune out of steamboats on the Ohio and the Mississippi. Fulton had a monopoly on river steamboat traffic. With all the traffic of the central United States to draw from, how could such a scheme fail? Latrobe was to build the boats and the engines in Pittsburgh, and worked on approximate estimates furnished by Fulton. The estimates were low, Latrobe had *not* allowed for all sorts of unforeseen contingencies, the capital was not forthcoming, and finally (in 1815) the whole thing crashed, taking with it practically all the money that Latrobe had made and saved.<sup>24</sup> He was in despair, depressed to the point almost of complete apathy. Today we would say he had a nervous breakdown.

And here the magnificent co-operation of his wife and some of his friends came to the rescue. She took the initiative of writing to the President to suggest that Latrobe be asked back to Washington to have charge of the rebuilding of the Capitol, then in ruins from the fire kindled by the invading English. The invitation was forthcoming immediately. It aroused again the artist's enthusiasm to create. It swept away the disappointment of the Mississippi scheme, and little by little the fogs of depression

<sup>23</sup> As for instance, in the bitter letter to Godefroy, ending, "I shall at last make cloth, steam engines, or turn tailor for money, for money is honor. . . ."

<sup>24</sup> He finally was forced to go through legal bankruptcy in 1818, after his resignation from the U. S. Capitol work.

vanished. Latrobe returned to Washington, and in two busy and creative years brought the north and south wings of the Capitol to almost their present form.<sup>25</sup>

In returning to Washington, Latrobe was returning to what was his climax work—one might almost say, his most important reason for being. This began with his appointment by President Thomas Jefferson, on March 6, 1803, as Surveyor of the Public Buildings of the United States at Washington. This was a brilliant step of Jefferson's, for the whole problem of the building of the Capitol had reached a nearly insoluble confusion.

Thornton, the brilliant and stubborn amateur, who had won the competition with a design of superb daring, was little fitted by technical knowledge to carry it out, and the assistants Congress had given him at various times—Etienne Hallet (Stephen Hallet, as he was known), George Hadfield, and Hoban (the architect of the White House)—each tried to impose upon the whole some new idea, some new way of solving the difficulties of the Thornton scheme. Thornton's non-co-operative stubbornness only added to the confusion, and the elimination of all of these contending personalities was necessary to have any building done at all.

From 1803 Latrobe held this position, until work stopped in 1811. For the first four years he was not resident in Washington, but lived at Wilmington—where he was working on the ill-fated original plan for a Chesapeake and Delaware canal—or in Philadelphia. He was occupied with numberless schemes, financial and architectural, and yet he found time to revise the Thornton plan into something possible of achievement (by cutting out the second circular room to the west) and to bring to completion, first the Senate wing—in substantial accordance with the Thornton scheme—and, later, the House of Representatives wing, where he substituted a slightly different plan for Thornton's original oval.

He worked on the White House, acting as interior decorator for it as well as architect. He handled every detail by voluminous correspondence, even to the choice of curtains and the furnishing of lamps for both White House and Capitol; this correspondence is a marvellous source for the details of the construction.<sup>26</sup> In 1802 he had bought one of the polygraphs invented by Charles

<sup>25</sup> For the Capitol, see Glenn Brown's monumental and richly illustrated work, *History of the United States Capitol*, 2 volumes (Washington, 1900-1903).

<sup>26</sup> In the Latrobe papers.

Willson Peale—that amazing painter, scientist, and inventor—and from that time on, with the aid of this modified pantagraph, he made copies of every letter he wrote. These copies, carefully preserved from generation to generation, are an unparalleled original source for the American history of the time.

His letters were frequently more frank than tactful. Often they contain material which, becoming noised abroad by gossip, injured his position even with those who were his friends. It was so with Jefferson, for instance. We find him writing on May 2, 1805, of the proposed colonnade in front of the office wing of the White House (which Thomas Jefferson had suggested):

The style of the colonnade he proposes is exactly consistent with Hoban's pile—a litter of pigs worthy of the great sow it surrounds, and of the Irish boar, the father. . . .

And this letter was written at almost the same time he was writing most affectionate letters to Jefferson himself.

Of Jefferson's ideas he wrote in 1812 to Eric Bollman that the Administration was seeking a war to recover its executive power. He deprecated the power of the legislature as a result of the trend toward pure republicanism that was current, and the "wretched policy of the Jeffersonian school." Yet at the same time he gave to the Washington work the best that was in him, with a superb devotion—recompensed with but a modest salary. For eight years he worked on, despite obstructionist commissioners, cantankerously critical congressmen, and the backbiting attacks of Thornton, which led eventually to a long, distressing libel suit that brought little credit either to Latrobe, who instituted it, or to Thornton, the defendant.

It was in the House wing that Latrobe had the freest opportunity to display his ability, and the approximately oval House room, skylighted—with its rich Corinthian columns, its luxurious curtains, its frescoed ceiling (painted by George Bridport), and its decorative sculpture—was magnificent.

Still, despite the acknowledged beauty of this superb hall, criticism of its architect mounted. The skylights, placed according to Jefferson's suggestions, leaked. Congress claimed the whole cost too much. There were endless delays in getting appropriations to pay legitimate construction bills. And Latrobe's own emphatic nature—his petulance and occasional tempers—did little to quiet matters.

Nevertheless, the two wings of the Capitol were completed with general satisfaction, and the prospects seemed good for the continuation of the work and for the building of the central rotunda according to Latrobe's magnificent designs for a great Corinthian portico and a low Roman dome.

An early study of the east elevation already shows something of the building Latrobe had in mind. The exterior design of the wings is purely Thornton's, and still retains something of the old English-Palladian-Sir-William-Chambers character. But the classic power of the central part is Latrobe's, and this was further emphasized when he substituted a monumental flight of steps for the arcaded basement shown in the study. Latrobe's later scheme is shown better in the western elevation, toward the Mall, where the developed Roman dome, the continuous colonnade, and the superb Greek Doric propylaea below all have the new power, the new restraint, the new freedom, and the new classicism which were Latrobe's chief gift to America.

In the interior, in those places where Latrobe had a free hand, the same character is evident. In the Senate vestibule, for example, he developed and used a new American order based on the great American plant, the maize or Indian corn—one of the most brilliant (if not the most brilliant) of the national modifications of classic forms ever produced. It won instant acclaim, and Latrobe sent a sample capital to Jefferson with evident pride. Later, after the fire, in the Senate rotunda he used another, somewhat similar order based on the other great source of American wealth at the time—the American tobacco plant. For Latrobe was in no sense a mere copyist.

To the bright hopes for the completion of the Capitol, the troubles preceding the War of 1812 brought a sudden end, in 1811, and Latrobe's work came to a sudden close. The final stroke of misfortune came when the English, occupying Washington in 1814, burned out the Capitol and the White House, in a gesture of futile anger. Munger's drawing (etched by Latrobe's pupil, Strickland) shows the state of the Capitol after the war, the exterior walls (still standing as a mere shell) blackened with the smoke of the savage fire.<sup>27</sup> Within, little of the original structure was left, except some of the vaulted portion of the Senate wing

<sup>27</sup> Shown in Glenn Brown, *op. cit.*

and the calcined and fragmented columns of the old House of Representatives.

The fire was far from being an unmixed evil, for it allowed Latrobe (recalled in 1815, as we have seen, for its reconstruction) complete freedom in the design of a new House of Representatives and a large measure of freedom in the Senate wing, though there the main lines were necessarily preserved. Two frenzied years of design and rebuilding followed. Masonry vaults were used, wherever they were practicable, to reduce the fire risk. Particularly characteristic of Latrobe's freedom and brilliance in form design is the vaulted room beneath the old Senate chamber—a room designed for the Supreme Court and used later as the Supreme Court Library. Its powerful, simple Doric order, its ribbed domical vault with intersections, its bold structural pattern, and the elegant, delicate decoration of its massive masonry forms are all characteristic of Latrobe's mature design, his creative use of precedent, his integration of structure and appearance.

With this may well be compared some of the interiors that Sir John Soane designed for the Bank of England—such as that of the Consoles Office (in the Soane Museum in London) made during the construction. Here, too, there is the same effort to use a historical tradition creatively and to allow structure to become the main source of beauty. The differences between the two rooms are characteristic of the differences between the two architects. But even more significant than the difference is the similarity of the idealism. These are both examples of the good "modern" architecture of a century and more ago.

The chief glories of this Latrobe reconstruction were the old Senate chamber (later the Supreme Court room), with its pure and elegant detail, its Greek Ionic colonnade, and its beautifully coffered vaulting. The alternating and pleasant rhythms of the colonnade, the rich mottled marble of the column shafts (it is really but a polished puddingstone, which Latrobe discovered to be common along the Potomac), and the continuity and grace of the basic form make this one of the distinguished public rooms of the nineteenth century. Its present state is deceptive, because the long bench, formerly used by the Supreme Court, cuts off part of the height of the colonnade. Originally, of course, there was only the Vice-President's chair (or throne) in the central position under the arch, and the senators' desks were arranged in curves following the curve of the wall.



An even more effective achievement was the much larger room of the House of Representatives, now misused as Statuary Hall. A famous picture by S. F. B. Morse shows the House in session, with the rich dais for the Speaker and the luxurious red curtains that hung between the columns above the gallery. Here was the famous clock—one of the earliest pieces of distinguished architectural sculpture in the country. Here were the same rich materials as those in the Senate, but used more lavishly, on a far ampler scale. Even the fact that the room was never perfect acoustically cannot blind even the most superficial observer to the magnificent architectural quality of this superb interior. Today the hall, empty of desks, has become a sort of lumber room for the storage of all the misbegotten sculpture that logrolling congressmen have forced upon a patient nation—sculpture, a little of it good, some of it fair, most of it execrable. Yet somehow the large, ample, and serene space dominates its contents. One would wish that all the statues could be removed. Let them be placed, formally disposed, up and down some prospect in Washington's wide spaces—so, they might count merely as decorative elements and by their rhythm enhance and even harmonize a vista; now, seen as units, they are (most of them) but superfluous rubbish encumbering the beauty of a great interior.

Fortunately, these two great rooms were completed before mounting disagreements between Latrobe and the Commissioners and ever increasing tensions between the designer and the government forced, at last, Latrobe's resignation in November, 1817. He took the opportunity of going to New Orleans (where his son Henry had just died of yellow fever) to carry on the work of the New Orleans waterworks. He has left us vivid pictures of New Orleans at that time, both in his *Journal* and in his watercolors, like his graphic picture of the little group of pilots' houses in Balize. But the place seems to have been—at least for the Latrobe family—under a curse, for it was there, three years later, that Latrobe died, of the same disease that had carried off his son.

It is better, I think, to recall Latrobe by his greatest work, his chief monument, the United States Capitol; to realize that, although today the great end wings and the dome are Walter's, the west elevation is by Bulfinch, and the walls of the central part follow a design of Thornton's, nevertheless it was Latrobe who

(more than anyone else) in his development of the plan—and in the style of the superb interiors he left—determined its character.

Latrobe, we have said, was like Soane, yet differing conditions led in their two cases to different conclusions. Soane went on to final victory and appreciation; he achieved ample wealth; he received the knighthood in 1831; he was awarded a Royal Academy gold medal in 1835. But Latrobe was doomed financially and professionally to apparent failure—he lost his money in ill-advised speculations; he was expelled in his position as architect for the Capitol; and many commissions that should have been his went to others less skilled—he died, too young, in 1820.

Yet who shall say which contribution was greatest, Soane's or Latrobe's? Both brought into their architecture prophetic hints of a new day. Both were pioneers in the emergence of a completely new architectural taste. Soane left his monument in the Bank of England—now, alas, reconstructed out of all resemblance to the greatness he gave it. But Latrobe not only left his monument in the United States Capitol and other buildings that gave evidence of a taste as sure and an imagination as brilliant as Soane's, but also, almost single-handed, created the architectural profession in America. To him, more than to any other, is due its birth, brought about through his stormy dealings with the government, through his rigidly professional relations with his clients, and through the efforts of his pupils—men he had trained in the ethics as well as the skills of their profession.

But Latrobe was more than an architect and an engineer. He was a linguist, a scholar, a writer. He knew, of course, as most educated English gentlemen were supposed to, Greek and Latin; he knew also French and Hebrew. He wrote a pungent, vivid, powerful English, and he seems to have been well acquainted with music. Soon after his arrival in this country he was the author of a farce called *The Apology*, which was produced with éclat in Richmond; as his *Journal* shows, it was commented on as far away as Philadelphia. Would that we had the manuscript today! He wrote a pamphlet on American copper mines. But his longest and most important piece of sustained writing was the article "Acoustics" which he wrote for the American edition of the *Edinburgh Encyclopaedia*, published in Philadelphia by Joseph and Edward Parker. This article was in proof by the end of 1811, but it was not finally issued until long after Latrobe's death; the

*Encyclopaedia* finally appeared only in 1832. The article (which is signed) is a thorough, scholarly analysis of the whole science of the physics of sound as it was then understood, with a second portion dealing with the application of this science to the design of buildings. It is well written and excellently organized, clear as crystal. He had written another article on "Civil Architecture" for the same work, but the manuscript was lost and, when the *Encyclopaedia* appeared, it merely carried a reprint of the old Edinburgh essay.

Latrobe's *Journal* ends with an Envoi in which he sought, not unsuccessfully, to examine his position in American culture. I can do no better than to reproduce his own words:

I would positively hesitate, and on reflection I am convinced that my vanity renders it impossible for me to write down the actual facts of my history, so little do they possess of merit, much less of brilliancy, yet—I am absolutely ashamed that it is so—I shall never while the arts exist in America hold a mean place among the men to whom merit is conceded. . . . The highest encomium and the most flattering I ever received relative to my architectural efforts, was in regard to the bank of Pennsylvania.

Walking up Second Street, I observed two French officers standing opposite the building and looking at it without saying a word. I stepped into Black's shop and stood close to them. After some time one of them exclaimed several times, "C'est beau, et si simple!" He said no more and stood for a few minutes longer before he walked away with his companion. I do not recollect distinctly anything that has happened that has given me so much particular satisfaction.

Soane today is memorialized in the Soane Museum in London, where are preserved his drawings and the drawings he had collected, and a wealth of documentary material. How grand it would be if Latrobe could find in America a similar monument—a place where the enormous and valuable riches of his architectural and landscape drawings, his copious notes, and his thousands of letters could be deposited, to be an inspiration to us, as the Soane material is an inspiration to the English! <sup>28</sup>

<sup>28</sup> In the preparation of this paper I have had the rare privilege of making use of a full digest of the Latrobe papers, which has been brilliantly made by Mr. Ferdinand C. Latrobe, as well as of seeing the colored slides which he has made of B. H. Latrobe's sketches. I wish to set down here my deep gratitude to him not only for these aids, but also for his continuous cordial assistance and co-operation, without which this paper would have been impossible. I wish also to express my gratitude to the staff of the Maryland Historical Society Library, who, in my all too brief visits, helped me most willingly and efficiently in finding the material I needed; also to the Library and Art Department of Johns Hopkins University for permission to publish this paper, given (with some modifications) as a lecture there on January 15, 1942.



## THE WORK OF THE FEDERAL COURT OF MARYLAND<sup>1</sup>

By W. CALVIN CHESNUT

A judge who is over-persuaded by a lawyer's eloquence is, in legal parlance, apt to commit reversible error. Particularly the judge must be on guard against the advocate's appeal to the judge's vanity however subtly expressed. I fear my rôle as your speaker tonight is due to my judicial guard being down when your chairman of the Speakers' Committee, now a leading banker but in his early unregenerate youth a brilliant trial lawyer, persuaded me to accept this assignment. I confess that I was flattered by the invitation, and particularly so because he gave me the opportunity to choose my own subject. However, the opportunity was more nominal than real, because I at once realized that there was only one subject on which I would be qualified to talk to this assembly. In effect, therefore, Mr. Griswold both chose the speaker and the subject, which is, of course, The Work of the Federal Court.

It seems appropriate that a paper for this Society should have some historical aspect. I therefore begin with a very brief history of the Federal Court in Maryland.

Authority for all our federal courts must be found in our federal Constitution, although only one—the Supreme Court of the United States—is therein specifically named. All other federal courts are directly created by act of Congress. During the 151 years of our constitutional government there have been from time to time a number of somewhat differently constituted courts, but only two of them have been continuous from the first—the Supreme Court and the District Court. The latter was established by act of the first Congress in what is known as the Original Judiciary Act of 1789. Its jurisdiction was at first largely limited to the trial of admiralty and prize cases, and the lesser criminal offenses; but from time to time the scope of its jurisdiction has been increased so that now it is for nearly all classes of cases the court of first instance, that is, the trial court. From it appeals are permitted to the Circuit Court of Appeals which, for this Fourth Circuit, generally sits at Richmond, Virginia; and the unusual case may be

<sup>1</sup> Address before the Society, April 13, 1942.

further appealed to the Supreme Court of the United States at Washington.

We may pause here to inquire why we have two sets of courts in every state—the courts of the states respectively and also a court of the United States. The answer lies in the dual nature of our government, federal and state. In their respective spheres of power both governments, federal and state, exercise sovereign powers. The right to establish its own courts is an ordinary attribute of sovereignty. And unless the states had partly yielded their rights in this respect to the federal government, we could have no federal courts in the states. It was, however, as the French political writer DeTocqueville has pointed out in his classic commentaries on *Democracy in America*, the novel feature of our Constitution that it provided for a separate federal judiciary. And in so providing it wisely adopted the lesson from English history, established there in the Act of Settlement in the reign of Queen Anne in 1701, that to secure truly independent judges they must be appointed to hold office during good behavior or, as the Latin expression has it, *duum sese bene gesserint*. This lesson had been learned in England at great cost. It had been sharply taught in the time of James I in a case involving the so-called dispensing power of the King in an ecclesiastical matter. At that time English judges were appointed not for life or good behavior, but held office only during the pleasure of the king. There was a difference of political and legal opinion whether James as the reigning monarch possessed the dispensing power. Somewhat cautiously he decided to informally obtain the opinion of his judges, of whom there were twelve. All but one indicated an adverse view. Thereupon he promptly removed these eleven and appointed eleven new judges. Upon the decision of the case the eleven new judges decided in favor of the king's power and the one "hold-over" judge, against him. The story is graphically told by Macaulay who adds the somewhat surprising comment that the single dissenting judge had previously enjoyed a very poor reputation.

There is a district court of the United States in each of the nearly one hundred judicial districts; but we are concerned this evening particularly with the district court of Maryland. In the original Judiciary Act creating our court it was first provided that the court should sit here at Baltimore and also at Easton, on the

Eastern Shore; but in 1802 the place of holding court was limited to Baltimore, where it has continuously thereafter sat, with the exception that in recent years infrequent sessions are held at Cumberland, in Western Maryland, and at Denton on the Eastern Shore.

Some years ago I was interested to make some historical research to learn in what courthouses or buildings the district court had sat in Baltimore since the earliest days.<sup>2</sup> I regret that a somewhat intensive and extensive research from available historical sources has not uncovered the building where the court sat prior to 1822; with the exception that on one occasion the three circuit judges of the Circuit Court, known as the Mid-night Judges appointed in the last days of the administration of John Adams, and abolished in the first year of Jefferson's administration, sat at Evans Inn in Baltimore in 1801. I assume, however, that this was only a temporary place. One of these three judges was Philip Barton Key of Maryland, an uncle of Francis Scott Key.

The history of the federal courthouses is complete from 1822. In that year the district and circuit courts of the United States occupied the first floor of what was then the newly completed Masonic Hall on the east side of St. Paul Street between Fayette and Lexington Streets, on a portion of the ground now covered by our State Court House in Baltimore City. There the federal courts sat until 1865; and there it was that Chief Justice Taney in 1861 heard the famous habeas corpus case of *Ex parte Merryman*, and issued a commitment against Gen. Cadwalader for the latter's refusal to produce Merryman, then a military prisoner at Ft. McHenry. Taney was then 80 years of age and in feeble health. I have examined the original papers in the case, and it is interesting to note the character of his handwriting on a mere informal scrap of yellow paper on which he wrote out the commitment for contempt. There is intrinsic evidence that it was done immediately upon the refusal of Cadwalader's representative to obey the court's writ. The evidence is the informality of the paper and the somewhat quavering handwriting. It will be remembered that the occasion for the case was the imprisonment of Merryman for alleged complicity in the destruction of railroad bridges on the

<sup>2</sup> "History of the Federal Courts in Maryland" in *Maryland State Bar Association Reports*, Vol. 41 (1938), p. 63.

Northern Central Railroad to impede the progress of Federal troops through Maryland. Cadwalader's refusal to obey the court's writ was placed by him on the suspension of the writ of habeas corpus by President Lincoln, whose power to do so was denied in an extended formal opinion by Taney, who judicially declared that the writ could be suspended only by an act of Congress.

From 1865 to 1889 the district and circuit courts of the United States were housed in a courthouse exclusively devoted to their purposes which was built during the Civil War at the northwest corner of what is now Fayette Street and Guilford Avenue. On May 16, 1859, President James Buchanan with his cabinet visited Baltimore to select a site for the new court house and chose that offered for \$50,000 by the First Presbyterian Church at the northwest corner of Fayette and what was then called North Street. It was constructed of granite from Maryland and Maine quarries, and the architectural style was Italian with Grecian porticos. Many of us will doubtless remember this building which, from 1896 to 1900 was occupied by some of the state courts during the construction of the present State Court House.

In 1889 the federal courts moved into the new Post Office and Court House Building, which was the predecessor of the present structure on the same location. Its corner stone had been laid with impressive official exercises by President Arthur in 1884. The courts occupied the whole of the third floor of the building until 1930, when it was demolished to make way for the present structure. During the two-years interval of construction of the latter, the federal court occupied the Gutman Building at 210 North Eutaw Street; but in May, 1932, it moved to its present location, occupying the whole of the fifth floor of the building where there are three fine court rooms, with the necessary adjunctive chambers for the judges and offices for the clerk, the United States Attorney, the Marshal of the court, and the United States Commissioner and the Referee in Bankruptcy.

The records of the court constitute its written history. We are fortunate in having the complete set of records of the federal courts in Maryland from their very first session. In addition to the records of cases instituted, tried and decided, the clerk of the court keeps what is known as a minute book which is in the nature of a brief diary of the activities of the court at each session. These

records are all now in the custody of the clerk of the court who has shown some reluctance to part with them although it has been suggested that the early records should be sent to the National Archives in Washington for safer keeping.

The first session of the district court, called in the record an Admiralty court, was held in Baltimore Town on the 17th day of April, 1790. William Paca, the first judge of the court, who had been appointed by President Washington, presided. Nathaniel Ramsay was the marshal and Joshua Barney was the clerk; and it also appears that one William Bigger was appointed crier. Eleven separate suits were docketed against the brigantine *Juliana*, which was condemned, sold and the proceeds held for distribution among those entitled thereto. The next session of the court was held at Easton on the fourth Tuesday in September, 1790, with the same court officials present. The record shows that of the jurors summoned, quite a number asked to be excused for one reason or another, which indicates that the present attitude toward jury service is not new.

The court records also include a roster of attorneys admitted from time to time, with the dates of admission and their personal signatures to the roll. It may be of interest to note the names and dates of admission of some of the more prominent lawyers of the State, the names of a number of whom appear in the circular frieze of the Supreme Bench room in the State Court House, an interesting account of whom was so recently given to this Society by Judge Harlan.<sup>3</sup> Among those admitted as attorneys of the court, with the dates of their admission, are the following:

William Pinkney, 1795; Reverdy Johnson, 1818; Roger Brooke Taney, 1823; James Alfred Pearce (father of Judge Pearce, later of the Court of Appeals of Maryland), 1825; John H. B. Latrobe, 1826; J. Mason Campbell (son-in-law of Chief Justice Taney), 1832; William Fell Giles (later U. S. District Judge), 1834; I. Nevitt Steele, 1836; S. Teackle Wallis, 1840; Robert M. McLane, 1844; William Pinkney Whyte, 1848; Henry Winter Davis, 1851; Charles E. Phelps, 1857; John P. Poe, 1857; Roger Brooke Taney Campbell (grandson of Chief Justice Taney), 1864.

William Paca was the first judge of the district court and sat there from 1790 to 1799. Practically all of President Washing-

<sup>3</sup> Printed in this Magazine for September, 1942.



ton's appointments were of outstanding men, accomplished as lawyers and distinguished for their previous patriotic service in Revolutionary statesmanship. Paca was an illustrious example of this high character of judicial appointment. He had been admitted as a student to the Inner Temple of London in 1762, and to the Bar of Maryland in 1764. He had served as a member of the Provincial Legislature and was a conspicuous leader in the Revolutionary party. He was a signer of the Declaration of Independence and a delegate to the Continental Congress in 1779; he had been a state senator, Chief Judge of the Supreme Court of the State and Chief Judge of the Court of Appeals under the Articles of Confederation; from 1782 to 1786 he was Governor of the State; and in 1788 was a member of the State Convention which ratified the Constitution. A more extended and very interesting account of his career is to be found in a recent number of the quarterly of this Society in an article by Mr. Albert Silverman, the reading of which I most sincerely recommend.<sup>4</sup>

Succeeding judges of the court were James Winchester, 1799-1806; James Houston, 1806-1819; Theodorick Bland, 1819-1824; Elias Glenn, 1824-1836; Upton S. Heath, 1836-1852; John Glenn, 1852-1853; William F. Giles, 1853-1879; Thomas J. Morris, 1879-1912; John C. Rose, 1910-1922; Morris A. Soper (now U. S. Circuit Judge), 1923-1931; William C. Coleman since 1927, and your speaker from 1931.

Time does not suffice for even a very brief reference to the judicial careers of these several judges. Judges Morris and Rose are remembered with affection, admiration and respect by practically all of us. But probably none of us remembers Judge Morris' predecessor, Judge William F. Giles, whose judicial tenure, excepting only that of Judge Morris, was the longest of any of the judges of the court, and extended during the Civil War period. It is possibly regrettable that the federal court room does not have portraits of all these heretofore incumbent judges. There are indeed excellent portraits of Judges Morris and Rose painted by our late distinguished artist, Thomas C. Corner, which adorn the panels of our largest court room; but of the earlier judges we have only a reproduced portrait of Judge Giles which I was able to have painted some years ago by a WPA artist from an old engraving

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which has long been in my judicial chambers. The portrait of Judge Giles portrays him in a manner of dress characteristic of the Civil War period, a man of about 60 years of age, with good and regular features, clear eyes, high forehead, graying hair, and slender side-whiskers—the general type of face of that of former President Patton of Princeton, and somewhat reminiscent of President Eliot of Harvard—altogether a dignified and intellectual countenance. I have learned something in detail of Judge Giles' life from a scrapbook kept for many years by his wife and recently loaned to me by his grandson, Mr. George Stewart Giles of Chicago. He was evidently a prominent figure in the public life of Baltimore in his time.

The clerks of the court have had longer official lives than the judges. From 1793 to 1940 there were but four successive clerks, the last of these being our much lamented late clerk, Arthur L. Spamer, who entered the office of the clerk as deputy about 1890, became clerk in 1907, and died in the latter part of 1940, being succeeded by our present most efficient clerk, Mr. Charles W. Zimmermann, who had been deputy since 1905. It will thus be seen that the average span of official life of these four clerks was about 37 years. In this connection it is worth while to note that federal court clerks are appointed and removable by the judges, who seldom act from political motives in their appointments, but especially with a desire to obtain efficient service.

Coming now to the present day work of the court, the two main topics for consideration are (1) jurisdiction and (2) procedure.

In their application to courts jurisdiction means *what* cases can the court properly try; and procedure means, *how* the cases can be properly tried.

The jurisdiction of the federal courts differs materially from that of the state courts. The latter are said to be courts of *general* jurisdiction, while the federal courts are of *limited* jurisdiction. The reason for the distinction is this. It has been said that colonists bring with them the laws but not the courts of the mother country. The thirteen original states, therefore, succeeded in general to the laws of England so far as they were applicable to the colonies, but not necessarily to the same courts. Nevertheless the superior courts of the states were empowered by the several state constitutions to try all kinds of cases that in England

had been tried by the superior courts known as the Court of King's Bench, the Court of Common Pleas and the Court of Exchequer. The state courts were therefore courts of general jurisdiction. But in the framing of our American Constitution, just as the federal government generally was granted only certain powers by the thirteen sovereign states, so the federal courts were granted only certain powers, and therefore in this sense they are limited in their jurisdiction. The powers granted to the federal courts are enumerated in Article III of the Constitution. In general they include all cases arising under what we call federal laws, that is, under the Constitution, treaties made by the United States, and acts of Congress, also cases affecting ambassadors, other public ministers and consuls; all cases of admiralty and maritime jurisdiction, and in addition controversies based on what we call diversity of citizenship, that is, between citizens of different states, between citizens and aliens, between a state and citizens of another state. Federal courts cannot try cases not falling within these classes. And it will be observed that all these classes may in turn be divided into two: one, those dependent upon the subject matter, that is, the kind of law questions that are presented, and two, cases dependent upon so-called diverse citizenship. Where the jurisdiction is based on subject matter the courts can try cases involving parties no matter who they may be; and where the jurisdiction is based on diverse citizenship, the court can try any kind of subject matter properly arising between the parties. There is, however, to be noted the further limitation that, with the exception of cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party, in which the Constitution gives the Supreme Court original jurisdiction, the other federal courts can try only such cases as are provided for by act of Congress. That is to say, in practical effect, while the Constitution expressly states what shall be the whole judicial power of the federal courts, only that part thereof which is specified affirmatively by an act of Congress can be exercised by the federal courts other than the Supreme Court.

Now, while it may seem from this statement that federal courts can try only a narrow range of cases as compared with state courts, nevertheless the most conspicuous and interesting feature of the actual federal court work is the great diversity in the nature of the



cases that are actually tried, as compared with the general run of cases tried in state courts, although the latter have nominally a much wider and more general jurisdiction. At the present time it is well known that a very large percentage of state court cases deals with what we call automobile or other traffic accidents, and are what are generally classed as negligence cases. These vary, of course, with respect to their particular facts but they are, from the legal standpoint, of the same general kind. On the other hand, it is comparatively seldom that the federal judge in any one month tries two cases of the same general classification. For instance, one day we may try a criminal case where the defendant is charged with violating a revenue or income tax law; the next day a case of collision between two ships at sea; the third day a case affecting the reorganization of a financially embarrassed corporation; the next day an important question of constitutional law; and still another day, a case to determine the citizenship or naturalization of an individual. And the next week there may follow a suit by an employe for additional wages under the new "wage and hours" law, or a federal condemnation case for the acquisition of land or property by the United States, or a proceeding to condemn quack medicines or impure food, or to set aside an order of the Interstate Commerce Commission affecting railroad rates; and if the case arises between citizens of different states and involves more than \$3,000, the nature of the case may be as variant as any arising from the many complex industrial and commercial or financial controversies between individuals or corporations; with the exception that the federal courts do not try divorce cases nor ordinarily interfere with matters of probate of wills and administration of estates.

In general it may be said that almost every case now presented to a federal court involves some new or old act of Congress; and in recent years there has been a very great amount of new legislation which has to be interpreted and applied in the federal courts. The task of the proper interpretation of the words of a statute is one of the major problems of the courts. The difficulty is inherent in the meaning of English words as used in a particular context. The remark has been attributed to Mr. Justice Cardozo that after he had been on the Supreme Court a year or so he said that his principal difficulty was in properly interpreting the language used

by some congressman in the words of an act of Congress. It is often necessary, in determining the precise scope and meaning of a phrase or sentence in a statute, for the judge to know not only the ordinary meaning of English words, but also the legislative history of the statute, and to understand the national conditions which caused its enactment. Or, as it is sometimes expressed, the mischief which existed and the remedy proposed. It is this great diversity of problems severally presented that gives intellectual zest to the work of the federal trial judge.

As I have said, judicial procedure is the way in which cases are tried in court. To the layman unfamiliar with court procedure, the proceedings may be interesting but may seem very mysterious or even archaic. We must remember that our judicial system has been evolutionary and not revolutionary. It has resulted from long practical experience and has evolved as a result of trial and error and amendment and correction. It was true until comparatively recently that many of our rules of procedure had outlived their usefulness in that the reasons which called them into being no longer existed under modern conditions, and judges and lawyers were criticized for the lack of progress in their profession comparable to that made in the last fifty years in medical science. But this common reproach has no adequate basis with respect to the procedure in the federal courts at the present time. The New Code of Civil Procedure has provided for practically all cases a just, speedy and inexpensive determination. And it is worthy of note that the American Bar Association for some years past has been intensively engaged through a committee of its Judicial Section, of which Judge John J. Parker, Senior Judge of this Fourth Circuit, is chairman, in promoting a like simple and revised judicial procedure for the several states. Our own State of Maryland has recently gone a long step forward along this line. The essential difficulty that had to be overcome was to induce Congress and the legislatures of the several states to give back to the courts the so-called "rule-making power" which is necessary to enable them to modernize their rules of procedure. It must seem obvious to any disinterested observer that the courts should have this power fully as an independent branch of the government; but it has required and is still taking in many of the states, a long campaign to induce the legislatures to grant this power to the courts.

This is rather striking and inconsistent when we know that nearly every new administrative tribunal created by act of Congress or the state legislature gives the new board the power to make its own rules. "Home rule" for the courts is even more necessary, in furtherance of speedy, just and inexpensive litigation, than in the case of administrative tribunals. Until the courts have this rule-making power they, as institutions, or the officers thereof, can not properly be blamed for the continuance of outmoded and uneconomical methods of procedure.

The proverbial law's delay has been popularized in song and story. The outstanding illustration is Dickens' story of the case of Jarndyce v. Jarndyce in *Bleak House* where, after 20 years of alleged litigation over a fund in court, the case was finally dismissed because the court costs had eaten up the fund. Such a case may have been possible in the time of Dickens but rarely now. Except in a very few congested districts with insufficient judges, as possibly in New York City, cases are now tried and disposed of in the federal courts with very reasonable promptness. In fact in our Maryland federal court practically any case can be reached for trial within thirty days after the parties are ready for trial. Nor can one party who alone desires delay unreasonably avoid a prompt trial. Nor can appeals now unduly extend litigation. In federal criminal cases a convicted defendant must enter his appeal within five days, and it is generally now disposed of by the appellate court within two or three months thereafter; and generally it may be said at the present time that it is the very exceptional and not the usual case which entails long litigation.

If the infrequent visitor to our courts is curious as to some of our procedure, he will find on inquiry that there is a very good reason for everything that is done. Some things done may seem to him but empty formalities, but if one looks below the surface, it will be found that each custom of the court is based on a valid reason. Thus the judge wears a robe to remind himself and the public that he fills a public office which requires appropriate dignity and restraint for himself, and respect and orderly behavior by those in court. When the court session begins the bailiff or crier announces that fact by commanding attention and silence. When the judge enters it is customary for the public to rise and the judge to stand until the court has been publicly called. The

purpose of this again is obviously to call attention to the fact that a serious proceeding is to begin. When the clerk of the court calls the names of the jury panel, this is to identify the jurors present as officers of the court. Again, when the grand jury comes back into court after deliberating in their private room, their names are again called by the clerk to identify them and to give authority to the presentments or indictments which they hand to the court. When the clerk asks them whether they are content that "the court may amend matters of form but not of substance" in the indictments, the purpose is to protect the defendants named from being required to defend themselves against charges not properly made by the grand jury. These and other formalities are not mere idle ceremonies, but have very proper relation to the constitutional requirements of due process guaranteed by the 5th and 14th Amendments to the federal Constitution, the essentials of which are that no person shall be deprived of his life, liberty or property except by a court having proper jurisdiction and after due notice and a fair opportunity to be heard in his own defense.

You often hear the expression "the terms of court." It means those periodic times in the year at which court sessions are held. In olden times when the amount of business in any court was comparatively small, courts were not required to be in continuous session and therefore it was important to the public to know when the court session would begin, in order that the parties interested could be present. Thus in early English judicial procedure, after the courts were established at Westminster Hall in London, there were four fixed times of court each beginning on a particular day, and the time for the beginning of the term was related to some well-known fixture in the ecclesiastical calendar. Thus the four terms of court each of about three months, were known as Michaelmass (St. Michael's Day) beginning about October 1st; Hilary Term, beginning about January 1st; Easter Term, beginning at Easter, and Trinity Term, beginning about July 1st. Now where the courts, especially in the large cities, sit practically continuously from day to day throughout the whole year, the significance of the respective terms of court has largely disappeared. But nevertheless we still preserve the custom for certain purposes of convenience; in our Maryland federal courts especially for change in the personnel of the jury panels. For the state courts in

the counties a new term of court has even more significance, because it often furnishes the occasion for a large gathering of county residents at the county seat to transact business either in or out of court. On the first day of a new term of the federal court there is in attendance a newly summoned grand jury panel and a separate petit jury panel. The former consists of 23 qualified citizens. The qualifications for federal jurors are the same as those for state jurors. In some places, women are eligible, and in others, not. In Maryland they still are not; but each year the legislature is requested to qualify them. Looking forward to the time when they may be possibly qualified in Maryland, arrangements have been made in our new federal court building for their convenience. I have tried cases in Philadelphia and New York where women have served as jurors, as they also do in the District of Columbia. My personal experience has been that they have uniformly made excellent jurors despite the views to the contrary some years ago expressed by the Harvard psychologist, Prof. Munsterberg, who maintained the thesis that while women were equally as intelligent as men and as likely to reach a correct verdict by intuition rather than by reason, they were less susceptible than men to reaching unanimity by the deliberative and argumentative process. A conspicuous case is cited from a western state where, after a protracted murder trial, a jury consisting of eleven men and one woman, failed to reach a verdict after 48 hours' deliberation. It subsequently developed that the only dissenting member of the twelve jurors was the woman. An inquisitive reporter asked her what she had done during the deliberations of the jury and why she had not agreed with the others. Her reply was that she just let the others argue and she *knitted* during the time as she had made up her mind in the first place and was not to be influenced by what the men said. But, as I say, this has not been my personal experience with mixed juries.

In the federal courts particularly there is a well defined distinction between the respective functions of the judge and the jury. After the testimony in the case has been concluded, the Judge orally instructs the jury what is the *law* which must govern them in their decision; but the jury has the sole responsibility to determine the *facts*, and while the judge should properly summarize the testimony in the case, and may, if he thinks it proper, advise



the jury as to the weight of the evidence on any particular issue of fact in controversy, he must tell them that what he says in that respect is merely advisory for them, and they are at liberty to reach their own conclusion on the facts. The orderly, and as nearly as possible the scientific, process for reaching a correct verdict is for the jury to apply the law of the case to the facts as the jury finds them, and the result will be their verdict.

I am a firm believer in the value of our jury system as a fact finding body, but only provided the jury have the benefit of the oral instruction from the judge as to the controlling law, and the help of the judge in the summary of the evidence. Much of the criticism of the jury system has, I think, resulted from the unfortunate practice in some state courts whereby the judge is not permitted to so instruct and advise the jury.

While juries are still a very important arm of the court in certain classes of cases, the greater portion of the work of the federal judge is with cases in which historically the jury does not function. Thus in cases arising in admiralty, in bankruptcy and in equity, and in others when the parties waive a jury trial, the judge must function without the aid of a jury. This makes him the sole judge of both the law and facts. I have found a well tried jury case the most interesting phase of judicial work. It affords greater opportunity for the development of the varied traits of human nature; and indeed nearly every jury case involves an element of drama and sometimes of surprise. It has never ceased to be interesting to me. The climax of the case of course comes with the announcement that the jury has agreed, and the rendition of the verdict by the foreman in the presence of the parties and their attorneys.

Probably the hardest work of the federal trial judge comes in non-jury cases in which now under the new rules he is practically required to write an opinion in every important case. The principal purpose of this is to aid the appellate court, where a case is appealed, to more quickly gather the facts and law of the case as found controlling by the trial judge, and to determine whether his decision was correct. Under the federal judicial system which makes possible flexible use of judicial man power, trial judges not infrequently sit from time to time as members of the Circuit Court of Appeals. When I have sat with the appellate court I have found the opinion of the trial judge very helpful to an understand-

ing of the particular case, and to the determination whether the result of the trial was right or wrong. Without such an opinion the appellate court often has to rather blindly grope through the record to find the controlling point of the case, and especially is this so where the briefs of counsel are lacking in adequacy.

At the present time there is much complaint from lawyers that there are too many and too long judicial opinions. Some years ago a senator of the United States, sitting as a member of a committee investigating court procedure, made the remark, as bearing on delay in deciding cases, that federal trial judges wrote too many opinions and that it would be better if they merely decided cases, as he expressed it, "win, lose or draw," without opinion. But this misconceives the function of the trial judge's opinion. Under the new rules of procedure he is required to make findings of fact and state conclusions of law in every non-jury case. But these formal findings are often not clearly understandable without an accompanying opinion showing how the conclusions of law have necessarily resulted from the findings of fact. Therefore opinions are not written by trial judges merely for the love of finding their own words recorded in printed law books, but for the very important purpose of advising an appellate court as to the true nature of the case as the trial judge sees it. While the well tried jury case furnishes the most interesting feature of our work, the writing of opinions requires the hardest type of intellectual exercise. While some cases can best be immediately decided from the bench at the conclusion of the trial of the case, the novelty and diversity of the legal questions arising under the new federal statutes often require extended study by the judge of the applicable principles of law and prior decided cases to reach his final conclusion on the case.

In addition to presiding in court at the trial of cases and the study in his library of legal problems in preparation of opinions, the federal trial judge has, as a part of his work, a not inconsiderable amount of administrative duties to perform. As he appoints court clerks he has the duty of a certain amount of supervision of the conduct of their offices. He must also appoint referees in bankruptcy and masters in chancery, and United States Commissioners, who act largely as committing magistrates, and to some extent must supervise the activities of these court officials.

Another important duty is the judge's function in the process of naturalization of new citizens. This is a periodic recurrent occurrence in our court at which times on the average a hundred applicants for naturalization are admitted to citizenship. The new Nationality Code of 1940 requires the judge to make a so-called patriotic address to the new citizens to instruct them in the privileges, duties and dignity of citizenship. The occasion is always one for a crowded court room and not infrequently the exercises are attended by representatives of some of our patriotic citizenship societies. In our court the exercises occur on a stated day in each month, except July and August, usually the second Monday of the month at 3 P. M. Any one interested may attend. When we realize that a very large percentage of our whole American citizenship now consists of first or second generations of naturalized subjects, it is almost impossible to over-estimate the very great importance of our laws affecting immigration and naturalization. The two are inextricably interwoven because no applicant for naturalization can now be admitted to citizenship unless he can first prove that he has originally lawfully entered this country for permanent residence.

We have had a long history of the development of our immigration laws. In general it may be said that there was the greatest liberality in admitting immigrants until 1900. Since then there have been successive tightenings of the restrictions, especially in what is known as the Quota Law of 1924, which permits as new immigrants from any particular foreign nationality, only 2% of the number of that nationality now resident in this country. Certain classes of immigrants such as idiots, anarchists, and mental and moral defectives, are entirely excluded. It took many years to obtain a requirement of any educational qualifications for immigrants. Presidents Cleveland, Taft and Wilson successively vetoed acts of Congress to that effect, but finally in 1917 a minimum educational test was enacted over President Wilson's veto. This requires the immigrant to be able, unless physically incompetent, to read thirty or forty words in any known printed language.

The principal requirements for naturalization, in addition to ordinary lawful entry as an immigrant, are residence for five years in this country, and the filing of a declaration of intention to become a citizen at least two years before naturalization. The

applicant is also required to satisfactorily pass an examination which will show that he is at least familiar with the essential features of our form of government and is attached to the principles of the Constitution. Until some years ago this examination was orally held by the judge in open court but in recent years the large number of candidates (about 1,000 a year) has necessarily shifted the holding of the examination to agents of the Department of Justice who mark the papers, requiring 70 as a passing mark, and make recommendations to the court as to admission. However, if the examiner refuses to recommend the applicant he has the right to a personal hearing by the Judge. In the early days when oral examinations in court were customarily held, there is an amusing story of Judge Rose and an Italian fruit vendor. He failed to pass the Judge's simple questions as to the difference between the Mayor of a City and the President of the United States, and Congress and the State Legislature, and similar questions. Judge Rose told him that he had better make further study and apply again in a few months. The Italian very politely bowed and retreated toward the door of the court room, but then turned back and again approached the Judge and respectfully asked permission to ask a question, which was given, and to the Judge's surprise the question was as follows: "Judge, can you tell me how many bananas there are in a bunch." Here the Judge failed to pass his examination and frankly confessed his ignorance. Thereupon the Italian politely remarked, "Well, Judge, you see how it is—You know your business and I know mine."

Your speaker's immediate business is to thank you for your attention, and now adjourn the reading of this paper *sine die*.

## POLITICS IN MARYLAND DURING THE CIVIL WAR

By CHARLES BRANCH CLARK

(Continued from Vol. XXXVII, page 192)

### THE STATE ELECTIONS OF 1861

The political organization of Maryland was drastically changed by the appeal to arms. The Know Nothing party ceased to function as did the short lived Constitutional Union party. The new Republican party was unable to gain many adherents and for some time was an unimportant faction within the State. The Democratic party ceased to exist openly. Its members were divided in allegiance to the Union, and one faction, sympathetic to the Confederacy, became known as the Secessionist, Peace, or State Rights party. The others, supporting the Lincoln administration and the Federal Government, organized as the Union party and gained control of the State in the special election held in June, 1861, to elect representatives to the United States Congress. Nor was it likely to be ousted from control so long as it was supported and protected by the Federal military force.

The Union party became well organized early in 1861. A convention, held at Baltimore on May 23, 1861, set up a state-wide organization. A State Central Committee, consisting of two members from each county and ten from Baltimore City, managed the party business, selected candidates, and conducted the campaign. Union Leagues, later organized throughout the State with representation in the Grand League of Maryland, contributed greatly to the strength of the party.

The State Central Committee, through its chairman Brantz Mayer, issued an address setting forth the principles of the Union party. It denied the right of secession; maintained that the Federal government not only had the right but was also obligated to employ force to preserve the Union; and supported Lincoln's policies for the conduct of the war.<sup>1</sup>

The party organization of Washington County was typical of the county machines. The people quickly joined parties as senti-

<sup>1</sup> *Appleton's Annual Cyclopaedia* (1863), III, 615-616; Bernard C. Steiner, "Brantz Mayer," *Maryland Historical Magazine*, V, (1910), 6.



ment took shape in 1861. The Union party<sup>2</sup> was opposed in Washington County by those who stood for the "Constitution and Equality," generally known as the "Peace" party. Those who composed this group upheld the right of secession and denied the right of the Federal government to coerce the states.<sup>3</sup> These two parties first tested their strength in the Hagerstown municipal elections in April, 1861. The five Union candidates won over their Peace party opponents by an average majority of forty-eight votes. Lewis Fiery, a Unionist, was elected to the House of Delegates shortly thereafter, and Francis Thomas of the same party was supported for Congress.<sup>4</sup> In the fall elections this county gave a large vote to Bradford for governor.

The elections of November, 1861, were to be the last trial of strength between the Unionists and the State Righters or the Peace party. Members of the House of Delegates, senators from eleven counties, a governor, comptroller, judges, commissioners of public works, and county officials were to be elected. The contest between the two parties narrowed down to a fight over the governorship and the control of the legislature. Federal authorities were directly interested in the outcome, and exerted their influence through arbitrary arrests, the voting of soldiers, and the use of troops to secure a Union victory.

Under the Constitution of 1861, Maryland was divided into three districts, the governor to be elected from each in turn. In 1861, the Third District, composed of Harford, Baltimore, Carroll, Frederick, Washington, and Allegany, had the privilege of furnishing the governor.<sup>5</sup> The people showed great interest throughout the summer of 1861 in the approaching gubernatorial nomi-

<sup>2</sup> Leaders of this group were J. D. Bennett, S. M. Fiery, and Lewis P. Fiery who made speeches at the various Union meetings. See T. J. C. Williams, *History of Washington County* (1906), I, 306-307.

<sup>3</sup> *Ibid.* Many of the leading men of the county belonged to this party. Among them were Colonel George Schley, a lifelong Whig; Judge John Thomson Mason, William T. Hamilton, Richard H. Alvey, Andrew K. Syester, J. Dixon Roman, and George Freaner who had a brilliant career in the legislature and later served in the Confederate Army.

<sup>4</sup> *Ibid.*

<sup>5</sup> The First District was composed of the Eastern Shore counties. Governor Hicks, from Dorchester County came from the first District. The Second District consisted of St. Mary's, Charles, Calvert, Prince George's, Anne Arundel, Montgomery, and Howard counties, and Baltimore City. Governor Thomas Watkins Ligon, Hicks' predecessor, came from Ellicott City, Howard County, in the Second District. *Frederick Examiner*, August 7, 1861. For Ligon see Heinrich E. Buchholz, *Governors of Maryland: From the Revolution to the Year 1908* (1908), pp. 165-170.

nating conventions and campaign to follow. The secession element lost all hope of prevailing upon Governor Hicks to support their cause, but still thought it possible to place a governor in office who would support their side despite the military suppression of the State. The Unionists, on the other hand, were intent upon naming and electing a thoroughly loyal successor to Hicks. And from the beginning the name of Augustus W. Bradford stood out as their most prominent candidate.

The Unionist convention was scheduled to meet in Baltimore on August 15. Ten days prior to this, Bradford received a letter from Alexander Evans, a political leader of Cecil county, in which Evans stated that the Cecil delegation was certain to support Bradford. Evans said that Bradford was the choice of the Cecil county voters. "They see in you an uncompromising Anti-Secessionist with the will, the firmness and the ability to preserve us from the wicked designs of the traitors whose policy would be our ruin." \* Evans observed, however, that "*all may depend upon Baltimore*"; and expressed fear that unless the Unionists there were thoroughly organized the Secessionists might carry the election.<sup>7</sup>

Each county held its own Union meeting early in August to select delegates to the State convention. The Montgomery County meeting, held at Rockville on August 10, was typical. It was presided over by William Brown, Thomas Fawcett, Samuel Wade Magruder, and George W. Dawson. John T. Vinson was secretary. Five delegates were chosen to the convention.<sup>8</sup> The meeting unanimously adopted resolutions maintaining that the Civil War was one of self defense on the part of the general government; and that the supremacy of the Constitution and the preservation of the Union, "with all the dignity, equality and right of the several States unimpaired," was essential. It also praised Governor Hicks for the part he had played in saving Maryland for the Union.

*Resolved*, That this convention respectfully tenders to his Excellency Governor Hicks its acknowledgments for the zeal, ability, patriotism, and

\* Alexander Evans to Bradford, August 5, 1861, Bradford MSS. Maryland Historical Society Library.

<sup>7</sup> *Ibid.*

<sup>8</sup> These were A. B. Davis, Dr. Washington Waters, F. S. Pool, H. Franklin Veins, and Thomas Owen. *National Intelligencer*, August 13, 1861.

high moral courage with which, at a time of unexampled difficulties and embarrassment, he had administered the high executive office he now fills, sustaining alike the honor and interest of the State.<sup>9</sup>

The State Union Convention nominated Bradford for Governor by a unanimous vote. Bradford, then at Bedford Springs, Pennsylvania, was notified at once of his nomination.<sup>10</sup> Accepting the nomination on August 21, he expressed his "profound gratitude for this mark of their confidence," and accepted the honor conferred upon him, "deeply impressed with its extraordinary importance at this time." His "clearest conviction" was that the interests of Maryland found their "surest guarantee" under the Constitution of the United States. These interests were not ordinary ones, but the "very salvation of our State and her immunity from the devastation of Civil War upon our soil." Bradford said he would direct his efforts at all times, whether elected or not, "to the discharge of the paramount obligations which the faithful pursuits of the objects I have indicated must always necessarily impose."<sup>11</sup>

Augustus Williamson Bradford was born in Bel Air, Harford County, Maryland, on January 9, 1806. His parents, Samuel and Jane (Bond) Bradford, were also born and reared in Bel Air. His grandparents, who were of English ancestry, had migrated to America before the Revolution and settled in Harford County.<sup>12</sup> Bradford attended a "log cabin" school near Bel Air and the Harford County Academy conducted by the Reverend R. H. Davis. He attended the Catholic College of St. Mary's in Baltimore from which he was graduated in 1824.<sup>13</sup> Bradford then entered the law office of Otho Scott in Bel Air, with whom he completed his professional studies in 1827. He was admitted to the Harford

<sup>9</sup> *Ibid.*

<sup>10</sup> "Committee" to Bradford, August 15, 1861, Bradford MSS. The committee chosen to formally notify Bradford of his nomination consisted of Alexander Evans, James B. Ricaud, John B. Seidenstrucker (spelled Seidenstricker in the press), William B. Hill, and Edward Hammond. See also *Baltimore Clipper*, August 23, 1861.

<sup>11</sup> *Baltimore Clipper*, August 23, 1861.

<sup>12</sup> Bradford's paternal grandfather was William Bradford, and his maternal grandfather, William Bond. This data is taken from an account in Bradford's handwriting, Bradford MSS. It has been used by Buchholz, *op. cit.*, pp. 178-183.

<sup>13</sup> St. Mary's College enjoyed a high reputation and numbered among its alumni some of the most distinguished citizens of Maryland, including Governors Bradford and Oden Bowie, Severn Teackle Wallis, John H. B. Latrobe, and Reverdy Johnson.

County Bar and practised his profession in Bel Air until 1833, when he established his residence in Baltimore City.<sup>14</sup>

Bradford became interested in the Whig party and was a Whig elector in 1844. Henry Clay's defeat for the presidency left him cool toward active politics and for sixteen years he "foreswore politics." Except for one speech he refused to go upon the stump or to attend political meetings until 1860.<sup>15</sup> In February of 1845 he was appointed clerk of the Baltimore County Court by Thomas G. Pratt, Whig Governor, and retained this position for the next six years.<sup>16</sup>

Bradford came out of his political seclusion in February, 1861, and was chosen one of Maryland's representatives to the Peace Conference in Washington. There he spoke in favor of the Union, and later toured the State speaking for the same cause. He demonstrated great oratorical powers and this, coupled with his views, won for him the gubernatorial nomination.<sup>17</sup> Bradford contended that when disunion came he could no longer refrain from participation in the affairs of the day. He regarded the question of "the Union as our Fathers made it or secession and separation," as a question of patriotism, not politics. He did not hesitate, therefore, to array himself on the side of the Union, and he was determined to render to the government that sought to preserve it whatever aid he could.<sup>18</sup>

Bradford's nomination was received with the almost unanimous approval of the Unionists in Maryland. Henry Winter Davis said that the Unionists were fortunate in securing Bradford's "name and abilities." Davis offered his time and services "at any time or place if I can aid or relieve you."<sup>19</sup> Reverdy Johnson wrote

<sup>14</sup> Bradford had earlier been interested in civil engineering and before finally settling upon law as a profession he found employment for a time as a surveyor.

<sup>15</sup> Bradford called himself "devotedly attached to the fortunes of its [Whig party] gallant leader [Clay]." The solitary exception to this abstention from speech making from 1844 to 1860 was a speech he delivered at Bedford Springs, Pennsylvania, in 1848 at the inauguration of Taylor's campaign for the presidency. At that meeting Bradford first met the war Governor of Pennsylvania, Andrew G. Curtin. A copy of this speech is in Bradford MSS.

<sup>16</sup> The Court at that time had jurisdiction over all suits at law or equity, instituted either in the City or Baltimore County, as well as of all criminal business originating in the county.

<sup>17</sup> At the Conference Bradford had said, "Where I reside, the universal cry is, 'For God's sake, settle these questions,'" See Carl Sandburg, *Abraham Lincoln: The War Years* (1939), I, 86.

<sup>18</sup> Pennsylvania speech of 1872, Bradford MSS.

<sup>19</sup> Henry Winter Davis to Bradford, August 15, 1861, Bradford MSS. In the same letter Davis thanked Bradford for "the powerful aid and countenance you gave

Bradford: "I am delighted at your nomination."<sup>20</sup> Governor Hicks offered his "heartiest congratulations," and expressed the opinion that Bradford was capable of carrying on a successful campaign. He cautioned Bradford, however, not to "forget that we have an insidious and never tiring foe to war agt. [against] a wolf in sheep's clothing crying peace to the people, when they are bringing destruction upon them . . ." Hicks, himself, was "in for the fight and the use of all proper means to insure a Union triumph—our motto should be a Union triumph or death, as indeed it will be to Maryland." The Governor warned that "The success of the Secession ticket, to be formed, will be the Death Knell, to the peace and safety of our glorious old state."<sup>21</sup>

Dr. Samuel A. Harrison, a physician of Talbot County, noted in his "Journal" that the Union Convention had nominated "probably the best man that could have been selected. . . . He is a gentlemen of abilities, character, wealth, social position, undoubted loyalty, unequivocal sentiments and possessed of political antecedents no ways prejudicial to his success as a candidate." Harrison also noted that the Secessionists meant to "employ the old trick of nominating a Union man (so-called) in favor of peace—and win votes for him as they did for Mr. May."<sup>22</sup>

The Unionist newspapers were for the most part enthusiastic over Bradford's nomination. The *Baltimore American* called him "one of the truest and most devoted friends of the Union in it." Possessed of a "clear and acute intellect, and of unswerving integrity in the various relations which constitute a good citizen," Bradford was "True as steel in his devotion to the constitution and the Union."<sup>23</sup> The *Baltimore Clipper* lauded Bradford for his "ability, sagacity, energy, and integrity." When the "Union was endangered, when all hands were called to save from a minority the great ship of state . . . Mr. Bradford was among the first to spring to his post." His voice "has been heard eloquently urging the loyal among his fellow citizens to resist to the

me in my late canvass." Davis was referring to the June, 1861, Congressional elections in which he was defeated by Henry May.

<sup>20</sup> Reverdy Johnson to Bradford, August 16, 1861, Bradford MSS.

<sup>21</sup> Thomas H. Hicks to Bradford, August 19, 1861, Bradford MSS.

<sup>22</sup> "Journal of Dr. Samuel A. Harrison," August 16, 1861. Many clippings from the *Baltimore American* are pasted in the "Journal." Maryland Historical Society Library.

<sup>23</sup> August 16, 1861. The *Sun* took no definite stand.



utmost the piratical mob, who were endeavoring to set up in our midst the black manner of rebellion." Bradford was said to possess the "qualities most needed in the Chief Executive."

He has the experience and the judgment to determine, and the firmness, energy and courage to act. His integrity is without the shadow of a stain, and his patriotic devotion to the Union and the Constitution is unquestionable. Quick in thought, sagacious in counsel, and unflinching in the performance of duty, he is altogether worthy of the implicit trust and confidence of Union men of Maryland. Detesting the dangerous dogma of secession as a remedy for no wrong, but the Pandora's box for every evil, cherishing the Union and the Constitution, as the palladium of our civil, religious and political liberty, and at the same time bound by education and interest and conviction to defend all the rights of Maryland under the Constitution and the Union, a slaveholder himself who has suffered severely by the senseless agitation of the slavery question, Mr. Bradford is presented to the Union men of Maryland, as their candidate for Governor, as one in whom they can unhesitatingly repose the fullest confidence that he will neither betray nor desert them, and that he will hold our noble old state firm and steadfast in the Union, disdaining alike the wiles or threats of rebels or rebel sympathizers, and avoiding with equal care any abandonment of a single right of our people to the demands of Abolitionism. The people of Maryland can trust Augustus W. Bradford and they will.<sup>24</sup>

In a later issue the *Clipper* said that Bradford scorned the silly imputation of Republican affiliations, by which traitors have been only too successful in frightening good men from supporting the men on whom Providence and the people have cast the destinies of this great land."<sup>25</sup>

The opposition press, however, bitterly condemned Bradford's nomination. The *Baltimore Daily Exchange*, a secession journal, admitted the abilities of Bradford, but said that "great dissatisfaction" prevailed in the Union party in consequence of his nomination.<sup>26</sup> The *Daily Exchange* condemned Bradford as an "extreme coercionist," as "intemperate in the expression of his opinions as his opinions themselves are violent and prescriptive." He was also an "unconditional" supporter of the Federal government's policy of suppression of the South. Moreover, Bradford was said to have opposed weakening "the effect of these efforts by pausing to inquire into the primary cause of these sectional

<sup>24</sup> *Baltimore Clipper*, August 17, 1861.

<sup>25</sup> *Ibid.*, August 19, 1861.

<sup>26</sup> August 15, 1861. No evidence of such dissatisfaction was found, even in other secession journals.

parties—by wasting all their strength upon the Northern aggressor as the earliest wrong-doer!"<sup>27</sup> Bradford was linked with the Republican party because of his support of the Lincoln administration, but he was not, said the *Daily Exchange*, in complete harmony with the Chicago Republican platform. He should be treated, however, as a Republican, and should receive the same consideration that Lincoln received from the people of Maryland. This meant he should receive an "insultingly few votes" in the coming election, said the *Baltimore Daily Exchange*. Bradford's election would mean the continuation of military suppression of the State—arrests, imprisonments, and homes violated "in contempt of every guaranty of the Constitution distinguishing free men from slaves."<sup>28</sup>

The *Frederick Herald* said that Bradford was a "most ultra coercionist of the Greeley-Blair school."<sup>29</sup> "He out-Herods Herod in his proscriptive sentiments and is in favor of a war of subjugation and extermination." The *Herald* admitted that Bradford had ability but, as an unconditional Unionist associated with the Black Republicans and the "old Court House Clique," he was obnoxious to the people of Baltimore. The *Herald* also asserted that Bradford was an "unconditional supporter of the Chicago platform." This charge was bound to influence those who feared the Republicans would molest slavery. The *Herald* urged citizens of Frederick County to vote against Bradford because, if elected, he would keep them "in a baser subjection than you have been kept by our 'traitor' Governor Hicks"; he would "subjugate you and yours, and destroy your birthright."<sup>30</sup>

On the day after Bradford's official acceptance the *Baltimore American* expressed the desire to get the gubernatorial campaign under way. "We venture to say that the Union nominee . . . is ready to give a clear and unmistakeable expression of the views of the party he represents. Let us have the meetings and the speeches and the sooner the better."<sup>31</sup> Bradford needed no urging and entered at once into an active canvass. According to Reverdy Johnson, he conducted his campaign with distinguished ability.<sup>32</sup>

<sup>27</sup> *Baltimore Daily Exchange*, August 17, 1861, quoting from Bradford's speech at the Maryland Institute in Baltimore in January, 1861.

<sup>28</sup> *Ibid.*

<sup>29</sup> August 20, 1861.

<sup>30</sup> *Ibid.*

<sup>31</sup> August 22, 1861.

<sup>32</sup> See among Bradford MSS a printed copy of the letter written by Reverdy Johnson on May 4, 1874, on the subject of Bradford's claim for indemnity for the

He stressed the need of subordinating all local and partisan considerations that might "impair or jeopardize" the unity and existence of the nation.<sup>88</sup> He recognized the magnitude of the war and foresaw the devastation and ruin that it was bound to entail. Unless the Union could be preserved by a victory of the Federal government he saw "all the future hopes and prospects of our state utterly annihilated." He knew that political factions with selfish ends existed in Maryland, but he hoped that the State would support the "preservation of the Federal Union, the restoration in all parts of the United States of the national authority as superior to all others."

Bradford thought that the most effective way to overthrow the rebellion was to conduct the war not only vigorously and persistently, but in entire accordance with the Lincoln administration. "Every assault upon the Administration," he said, "is to some extent an effort in alliance with the Rebellion. . . . To relinquish the Administration is to relinquish the war." He, therefore, strenuously opposed the "mischievous associations" in Maryland which attempted to unite local or sectional subjects with the main issue. The emancipation issue should not be brought into discussion because "inflammatory as the subject is in itself, we can not conceive how the discussion of it . . . can in any contingency contribute to strengthen the loyalty of Maryland at this crisis, or assist in what she has much at heart, the overthrow of the rebellion." If allowed to become prominent the question of emancipation might "neutralize and alienate many who are now earnestly uniting with us in this chief purpose, and our experience has clearly shown that loyalty once cooled or neutralized soon ripens into open sympathy with the rebellion." Bradford admitted that it was contrary to the State constitution to interfere with slavery in Maryland, but said that he approved measures leading to its gradual abolition. He believed that the rebellion had been instigated "by the especial friends of the institution [slavery] and under pretense of providing for its greater security." He believed also that the war would deal a death blow to slavery. And slave

destruction of his home by the Confederates in the summer of 1864. This letter was written for presentation to the committee on War Claims and it gives a full account of Bradford's part in the war from January, 1861, to the end of the conflict.

<sup>88</sup> Augustus W. Bradford, "Some rough notes on Subject of the Platform which Should be adopted in the Coming Campaign," Bradford MSS.

property would become more worthless in Maryland as the war progressed. Bradford was a slaveholder and intensely interested in the early disposition of the subject, but he opposed the introduction of the slavery issue in the campaign.

The *Daily Exchange* continued to link Bradford with the "Black Republicans" and their Chicago platform. Bradford acted as "though he had been expressly nominated to carry out its dogmas." The paper charged that Lincoln's administration was giving aid to Bradford. "All the officeholders, newspapers, and supporters of the Administration are his supporters and advocates also." Bradford must be defeated or the principles of the Chicago platform would be extended to and within Maryland's borders. The people were warned not to be led away by cries of "Union!" "Our flag!" "Down with secession," and "Support the government!" Such catch expressions were intended to unite Maryland with the Republican party.<sup>34</sup>

The Bradford party was attacked as the "war party," whose aim was to prosecute a war against the Southern states. The latter felt that separation from the Union would be productive of greater peace and happiness, and that a continued association with the North would seriously imperil Southern institution and deny the Southern states equality of privileges under the Constitution. The Southern states, therefore, were not acting at variance with the letter or the spirit of the Declaration of Independence.<sup>35</sup>

The State Rights group did not at first nominate a candidate for governor but contented themselves by attacking Bradford. In October, however, State Rights meetings were held in various parts of the State and the leaders of this group finally decided to put forth a candidate. These local conventions united on Benjamin C. Howard of Pikesville, Baltimore County. Howard accepted and promised his followers that if elected he would endeavor to discharge the duties of Governor "so as to promote the honor and interest of the State in the very perilous circumstances by which we are all surrounded."<sup>36</sup>

The State Rights party made a strong appeal to labor.

If they [laborers] vote, at the coming election, in favor of the Repub-

<sup>34</sup> *Baltimore Daily Exchange*, August 26, 1861. See for similar views the *Baltimore Daily Gazette*, August 17, 1861, and subsequent issues.

<sup>35</sup> *Baltimore Daily Exchange*, August 28, 1861.

<sup>36</sup> *The South*, Baltimore, October 29, 1861.

lican candidate for Governor, Mr. Bradford, they vote for the prosecution of the war and thereby do not vote only to sustain a Republican administration, but also to impose additional taxes on themselves. Moreover, whatever support they give to Republicanism, will be given virtually to Abolitionism, for it is the extremists of the Republican party who control the action of the Government, and who would have persistently rejected every proposition looking to a generous adjustment of the quarrel, and who will consent to nothing less than the unconditional submission of the South.<sup>37</sup>

Howard's campaign gained such strong support that the Bradford forces became apprehensive of the November results. Governor Hicks wrote Bradford that he concurred in a remark the latter had made "that the fates are agt. us; however let us believe all for the best."<sup>38</sup> Hicks also wrote to William H. Seward that rebellious sentiment was growing in Maryland.

The loyal States and our army and navy are full of traitors; many of our office-holders are faithless to the Government and unless things are closely looked after and the war carried forward with greater vigor, we shall be whipped I fear. I have not been scared until recently. . . .<sup>39</sup>

The *Baltimore American* urged that Union men "perfect their organization and render their success as near certain as possible." The stakes were too high to leave anything at the "mercy of chances," for the results of the election would mean "Union or Disunion." Frequent meetings and consultations were deemed necessary to secure the "concert of action" needed at the coming election.<sup>40</sup>

Henry Winter Davis kept his promise to Bradford and entered whole-heartedly into the campaign. He made a notable speech at Baltimore on October 16 before a large Union meeting, presided over by L. W. Gosnell, a Breckinridge Democrat.<sup>41</sup> Davis struck an optimistic tone in this speech. He declared that the Secessionists had practically defaulted the election by delaying the nomination of a candidate for governor and in not nominating candidates for the House of Delegates in half the counties.

<sup>37</sup> *Baltimore Daily Exchange*, August 28, 1861.

<sup>38</sup> T. H. Hicks to Bradford, October 1, 1861, Bradford MSS.

<sup>39</sup> T. H. Hicks to William H. Seward, October 12, 1861, *Official Records*, 2nd Series, II, p. 99.

<sup>40</sup> *Baltimore American*, October 16, 1861.

<sup>41</sup> Davis' speech may be found in Frank Moore, *Rebellion Record*, III, "Diary," p. 52; also "Supplement," 1861-1864, Document No. 26, pp. 170-184.



Actually, said Davis, "secession as an active, dangerous and agitating element . . . now lies writhing in its last agonies in Maryland." Davis believed that one-third of the Maryland people were disloyal in that they would not take up arms for the Union, but neither would they fight for the South.

Henry W. Hoffman, Collector of Customs in Baltimore, was also optimistic of the results. He wrote as follows to Major General Nathaniel P. Banks:

So far as we are able to perceive there will be no regular or serious opposition to the Union state ticket. The *peace* men will struggle to maintain their supremacy in one branch of the Legislature (the Senate) and to prevent which it will be necessary for us to carry the doubtful and hardly contested counties of Queen Anne's, Calvert and Prince George. To this end we shall devote all our energies until the day of election. The bold and vigorous policy inaugurated by yourself whilst in command here has been productive of the most salutary results. We no longer hear the mutterings of secession upon the corners of the streets. As one decided step has followed another the mutterings have grown fainter each day until secession, if it has not become extinct, has at least been subdued and thoroughly humiliated. I have no fears that the result of the election in November will be a complete vindication of the loyalty and patriotic devotion of Maryland to the Union and Constitution as made by our Fathers.<sup>42</sup>

Union friends in the lower Eastern Shore counties, however, were "disheartened" by the continued activities of the disloyal group. They were in "danger of being overawed by the influence of these rebel organizations."<sup>43</sup>

A great Union demonstration took place at the Front Street Theatre in Baltimore on October 29. The principal feature of the occasion was an address by Congressman Francis Thomas of Western Maryland. While the election was not mentioned, all knew that Thomas' Unionist appeal was made in an attempt to secure a victory for Bradford. Thomas declared that the demagogues, not the people of the South, had been the aggressors on the question of slavery. Although a slaveholder himself, and the son of a slaveholder, Thomas favored the restriction of slavery from new states, but he would protest against any interference with the institution where it was already established, and would

<sup>42</sup> Hoffman to Banks, October 17, 1861, *Secret Correspondence Illustrating the Condition of Affairs in Maryland* (Baltimore, 1863), pp. 30-31.

<sup>43</sup> Major General John A. Dix to General George B. McClellan, October 21, 1861, *Official Records*, 1st Series, V, 623.

defend it with his blood. He did not believe, however, that Lincoln or any member of his cabinet intended to interfere with slavery. Thomas also condemned Chief Justice Taney's decision in *Ex parte Merryman*.<sup>44</sup>

Reverdy Johnson, nominated by the Union men of Baltimore County on September 12, was the leading Unionist candidate for the legislature. His professional duties prevented him from making an active campaign. He made his one and only speech at Calverton in Baltimore County, on November 4. In it he vehemently attacked the secessionists, placing the responsibility for the war upon their shoulders. Before any aggression they "threw aside the mask, cast aside allegiance, and avowed themselves rebels and traitors." Johnson insisted that the war was waged not to subjugate the South, but to "vindicate the Constitution and laws [,] . . . maintain the existence of government, . . . suppress the insurrection, force the citizen to return to his duty, and restore him to the unequalled benefits of the Union. . . . We must remain faithful to duty and to honor" and "avoid, as we would pestilence or famine, all communion with treason" and victory would be the final result.<sup>45</sup>

Toward the close of the campaign the Federal authorities in Maryland and the Unionists themselves demanded the aid of Federal troops to safeguard Union voters and prevent the disloyal from voting. Major-General John A. Dix wrote to General McClellan from his headquarters in Baltimore asking for steamboats or tugs that drew no more than five feet of water, that could be used to "go up the rivers and enter the numberless inlets and bays on the Eastern Shore . . . breaking up . . . the meetings which are held . . . in hostility to the Government."<sup>46</sup> Governor Hicks became so alarmed that he wrote to Major-General Banks asking him to look

closely to Maryland, until our election is over . . . . The Confederates will endeavor to effect something by which to operate on our elections. . . . I am anxious to have a killing majority rolled up agt. Secessionism. Not only am I, and is Maryland, deeply interested, but the Government is greatly concerned. Will it be possible to have Col. Kenly's Regt. placed near Baltimore, temporarily, so as to save their votes, I hope so . . .<sup>47</sup>

<sup>44</sup> Moore, *op. cit.*, III, Document No. 115, pp. 250-253.

<sup>45</sup> *Ibid.*, Documents pp. 272-276. The speech is printed in full.

<sup>46</sup> *Official Records*, 1st Series, V, 614-615. The letter is dated October 7, 1861.

<sup>47</sup> T. H. Hicks to Banks, October 26, 1861, *Secret Correspondence Illustrating the*

The Unionists utilized armed troops to swell their majorities. Several Union delegations visited General Dix at his Baltimore headquarters, and urged that soldiers of the Maryland Regiments in the field be given permission to vote in order to swell the Union vote. Governor Hicks' proposal of this expedient was backed by the State Central Committee of the Union party. Maryland had raised some 6,000 men, one-half of whom were in Baltimore where they were expected to remain until after the election. It was suggested that these troops be permitted to cast their votes. Many feared that the Union ticket could not carry the State without this aid. General Dix did not agree on this point, but felt it was necessary for "our future quietude" that an overwhelming victory should be scored by the Unionists. He therefore urged his superiors to allow Maryland soldiers to attend their respective polls on November 6.<sup>48</sup> Consequently, Secretary of War Cameron issued the following directions to General McClellan:

In order to have a full vote in Maryland at the coming election . . . so that the legal voters may decide by their ballots all public questions, you are hereby directed to grant three days furlough to the soldiers of the 1st, 2nd, and 3rd Regiments of Maryland Volunteers, all to return to duty on Thursday, November 7th.<sup>49</sup>

McClellan carried out these directions and provided for transportation and for temporary replacements for Maryland soldiers in the Army of the Potomac.<sup>50</sup>

General Randolph B. March, Chief of McClellan's staff, ordered General Banks on October 29 to prevent rebels in the State from interfering with the election by sending detachments of soldiers to protect Union voters and to see that "no disunionists are allowed to intimidate them, or in any way to interfere with their rights." Disloyal Marylanders residing in Virginia should, if they returned, be arrested and if necessary the writ of habeas corpus should be suspended.<sup>51</sup> The same order was sent to General Stone, also commanding in Maryland. On November 1 General Dix

*Condition of Affairs in Maryland*, pp. 31-32. Kenly was in command of the First Maryland Regiment.

<sup>48</sup> Dix to General McClellan, October 25, 1861, *Official Records*, 1st Series, V, 628-629.

<sup>49</sup> Cameron to McClellan, October 28, 1861, *Secret Correspondence* . . . pp. 32-33.

<sup>50</sup> *Ibid.*, pp. 32-33, 38.

<sup>51</sup> *Official Records*, 2nd Series, I, 608; Edward McPherson, *Political History of the Rebellion* (1865), p. 308.

ordered the United States marshal in control of Maryland, and the provost marshal of Baltimore, to arrest all rebels who were returning to vote in the election, since their purpose was to carry the State into treason and rebellion. He said:

I, therefore, . . . require you to take into custody all such persons in any of the election districts or precincts in which they may appear at the polls, to effect their criminal attempt to convert their elective franchise into an engine for the subversion of the government and for the encouragement and support of its enemies.

In furtherance of this object I request the judges of election . . . in case any such person shall present himself and offer his vote, to commit him until he can be taken into custody by the authority of the United States; and I call on all good and loyal citizens to support the judges of elections, the United States Marshal and his deputies, and the Provost Marshal of Baltimore and police, in their efforts to secure a free and fair expression of the voice of the people of Maryland, and at the same time to prevent the ballot-box from being polluted by treasonable votes.<sup>52</sup>

General Dix justified this brazen violation of Maryland's right to conduct her own elections on the ground that he had no power to force disunionists to take an oath to support the constitution of the United States, since "the constitution and laws of Maryland provide for the exercise of the elective franchise by regulations with which I have no right to interfere." The only way to handle them, therefore, was to arrest them for treason and to hold them in jail until the election was over.<sup>53</sup>

The *National Intelligencer*, organ of the Lincoln administration published an article intended to intimidate the candidates and voters who dared to differ from the administration. It said that while the

secession of any other state diminishes, to the extent of its powers, the nation's strength and resources . . . the secession of Maryland, from its geographical position, necessarily destroys the national government altogether, or renders that government tributary to Maryland, or to the power with which Maryland may ally herself.<sup>54</sup>

This fact justified the government's vigorous measures toward Maryland by which it

<sup>52</sup> *Official Records*, 2nd Series, I, 609-610; McPherson, *op. cit.*, p. 308; Frank Moore, *op. cit.*, III, Document No. 124, p. 269.

<sup>53</sup> *Official Records*, 2nd Series, I, 609. A manuscript copy of this letter may be found in Bradford MSS.

<sup>54</sup> *National Intelligencer*, October 31, 1861. This article was said to have been written by Congressman Charles B. Calvert of Maryland. See *Maryland News Sheet*, November 8, 1861.

forbade secession and interdicted the license of departure; by one stroke prevented the State from becoming a hostile or foreign power, and purged it of those who were continuing its ruin in plotting to bring upon its soil the cause of rebellious war.<sup>55</sup>

The *National Intelligencer* warned those forming tickets "composed of notoriously disloyal men." "Once and for all, such persons ought to know that *their purpose cannot succeed*"; and if the Union men cannot prevent their design, "that the United States government is strong enough to prevent it, is absolutely sure." The rebel nominations "have already advised the Government who they are whom their friends deem worthy the honors of Fort Lafayette, and whom, without injustice, it can suspect."<sup>56</sup> The military authorities joined forces with the Unionists. General Dix said: "We have shown that we can control Maryland by force. We now wish to show that we can control it by the power of opinion, and we shall lose the whole moral influence of our victory if the right of suffrage is not free, and maintained."<sup>57</sup> Unfortunately, the "power of opinion" necessarily meant military power.

The threat of military interference at the Maryland elections stirred up great wrath among those favoring the Southern cause. Their protest against interference by the Federal Government was based on the ground that it was contrary to law. The State legislature had passed an act in 1860 declaring that

No commissioned or non-commissioned officer, having command of any soldier or soldiers quartered or posted in any district of any county in this state, shall muster or embody any of the troops, or march any recruiting party within the view of any place of election during the time of holding said election, under the penalty of one hundred dollars. This section not to apply to Baltimore.<sup>58</sup>

<sup>55</sup> *National Intelligencer*, October 31, 1861.

<sup>56</sup> *Ibid.*

<sup>57</sup> Dix to Provost Marshal Dodge of Baltimore, November 5, 1861, McPherson, *op. cit.*, pp. 308-309. General Dix ordered Colonel H. E. Paine, commanding the Fourth Regiment of the Wisconsin Volunteers, to leave Baltimore on November 4 with his regiment, a company of light artillery, and a company of cavalry with rations for fifteen days, for Snow Hill in Somerset County on the Eastern Shore. The object was to give protection to Union men of Somerset and Worcester counties, to prevent the migration or importation of voters from the Eastern Shore counties of Virginia, and to suppress hostility or demonstrations against the United States government. Citizens arrested for disloyalty were to be sent to Fort McHenry. But "you will take especial care not to interfere in any manner with persons held to servitude, and in order that there may be no cause for misrepresentation or cavil, you will not receive or allow any negro to come within your lines." *Official Records*, 1st Series, V, 641-642.

<sup>58</sup> McPherson, *op. cit.*, p. 308.



The importance of the act was lessened by the exception of Baltimore, for that city held about one-third of the State's voters. The act, nevertheless, guaranteed that legally there should be no State, much less Federal, interference at elections.

The election passed off quietly and peaceably although some arrests were made on the charge of disloyalty. These arrests prevented the opponents of the Union candidates from casting a full vote. The *Baltimore American* regretted the intimidation caused by these arrests for there had been no doubt that a large majority of the legal voters of Baltimore and the State were determined to preserve the Union. The Unionists, however, desired retaliation in Baltimore City for the intimidation used by disunionists in the elections of April 24.<sup>59</sup> Except for this affair, the election in Baltimore was generally conceded to have been conducted fairly. The judges of election were men of standing and character and, in most of the precincts, opposition judges were present. Troops were used quite effectively in St. Mary's County, which gave Howard a vote of 1,144 to 207 for Bradford.

The election . . . passed off without the occurrence of any incident worthy of particular mention. The presence of large bodies of Federal troops at or near the polls in Charlotte Hall, Chaptico, and Patuxent districts operated to prevent a full turn out of the Southern rights vote not only in these districts but also in the other voting precincts in the County. The vote is at least two hundred short, nor can it be doubted that nine-tenths of those who failed to vote belonged to the Southern rights interests. There were no arrests made, and no interference on the part of the military with the voters, every man voting who chose to do so without obstruction. The good conduct and discipline of the troops are highly spoken of.<sup>60</sup>

There was some disorder at Prince Frederick, the county seat of Calvert County, which Howard carried by a vote of 489 to 423. The Honorable Augustus R. Sollers, ex-member of Congress, was arrested for using violent and treasonable language, and for flashing a large knife with which he "cut to the right and left." Other arrests were made but those arrested were soon released upon taking an oath that they had not borne arms against Union forces, and upon swearing allegiance to the United States.<sup>61</sup> The situa-

<sup>59</sup> *Baltimore American*, November 7, 1861.

<sup>60</sup> *National Intelligencer*, November 12, 1861, quoting the *Beacon* of Leonardtown.

<sup>61</sup> Report of Brigadier-General Oliver O. Howard, U. S. Army, November 9, 1861, *Official Records*, 1st Series, V, 386-387.

tion in Frederick County was thus reported by General Edward Shriver. "We feel much indebted to the military . . . for their polite and gentlemanly deportment, . . . their presence at the polls had the effect of producing order and preserving the peace."<sup>62</sup>

The *Centreville State Rights*, of Queen Anne's County, said that "The Peace Ticket was defeated in this County principally by the use of money. The threats of the Government and the presence of Northern Soldiers also contributed to the result."<sup>63</sup> The *Kent Conservator*, of Chestertown, Kent County, also complained of the use of money and of armed forces distributed throughout the counties. It stated that "aged, respectable and worthy citizens were arrested and imprisoned miles away from their families and homes," for being "peace men."<sup>64</sup>

A correspondent of the *Maryland News Sheet* wrote that eight or nine thousand Federal troops were stationed in Anne Arundel County, chiefly in Annapolis, on election day. Nine enlisted men of the United States Navy, from the *Alleghany*, a receiving ship lying in the port of Annapolis, went ashore and voted the Union ticket. They were non-residents and their votes were challenged but the protest was overruled. These illegal votes, said the correspondent, were enough to defeat the State Rights senatorial candidate of Anne Arundel, who lost the election by six votes, and the State Rights candidate for the House of Delegates who had been nosed out by four votes.<sup>65</sup>

General Banks listed the places in his official report that had been patrolled by troop detachments, cavalry, or infantry, and claimed that no armed men had gone near the polls nor had there been any serious disturbance in the State. Disloyal interference had been planned at several places, but the presence of troops had frightened it away. The people of Maryland were generally satisfied with the result of the election and the part played by the military said Banks.<sup>66</sup>

<sup>62</sup> Shriver to General N. P. Banks, November 8, 1861, *Secret Correspondence* . . . pp. 37-38.

<sup>63</sup> Quoted by the *Baltimore South*, November 4, 1861.

<sup>64</sup> *Baltimore South*, November 14, 1861.

<sup>65</sup> *Maryland News Sheet*, November 19, 1861.

<sup>66</sup> Banks to Brigadier-General Williams, Headquarters, Army of the Potomac, November 14, 1861, *Official Records*, 1st Series, V, 651-652. Among the towns to which Banks sent detachments of troops were Hagerstown, Funkstown, Sandy

The election returns gave Bradford 57,502 votes to 26,070 for Howard. The total vote for the State was 83,572, considerably less than the 92,502 cast at the 1860 presidential election. The discrepancy resulted from the smaller Baltimore City vote, which was 21,269 in this election compared to 30,146 in November, 1860. Bradford carried all but four counties—St. Mary's, Charles, and Calvert in Southern Maryland, and Talbot on the Eastern Shore. A strong Union majority was returned to the State legislature. The House of Delegates had sixty-eight Union members and only six State Rights members while the Senate, with a few hold-overs from the previous legislature, had thirteen Unionists and eight State Rights members. This gave the Unionists a majority of sixty-seven on a joint ballot.<sup>87</sup> The new House of Delegates was considered one of the most prominent since the Revolutionary War.

The Unionist press was generally pleased with the victory. The *Baltimore American* was delighted with the result. It admitted that the arrest of disloyal voters and the fear of additional arrests kept many of the opposition from voting, but even "if Secession had brought up its last voter it could not have changed the result." Now, with a loyal legislature and a governor "as true as any man in the nation in his devoted loyalty," it was hoped that the "accursed blight" of the disloyal legislature, suppressed in September, was forever wiped out and the State vindicated.<sup>88</sup> The *Baltimore Clipper* termed the result a "glorious victory . . . a victory at the ballot box instead of on the battlefield." The *Clipper* claimed that only those known to be active aiders and abettors of the rebellion, or participants in it, were kept from voting. "For such as these the occasion was made a convenience for arrest." The victory was "enough to teach rebels that Baltimore is loyal to the core, and that treason has no foothold in our midst."<sup>89</sup>

The *Baltimore South* ironically gave its "Union friends . . . great credit for the moderation exercised as there was no earthly reason, beyond the expense of ticket printing, why the majority

Hook, Petersville, Jefferson, Urbana, New Market, Buckeystown, Frederick City, Woodsborough, Myersville, Wolfesville, Emmitsburg, Mechanicstown, Wolfe's Tavern and Rockville.

<sup>87</sup> *National Intelligencer*, November 12, 1861.

<sup>88</sup> November 8, 1861.

<sup>89</sup> November 7, 1861.

should not have been 40,000 instead of 14,000." <sup>70</sup> This journal had been "reliably informed that the Federal troops from every section of the country kindly aided their Union friends here, and deposited their ballots in as many wards and precincts as suited their convenience." <sup>71</sup> The *St. Mary's Beacon* observed that "Mr. Bradford, the war candidate, has been—elected we think they call it—by thirty or three hundred thousand majority, we have forgotten which." The size of the majority made no difference for the Lincoln administration could have made it what it chose by applying the test oath more strictly, and by arresting State Rights men.

The Union organs may sing until they sing themselves hoarse over their victory, but Mr. Lincoln . . . sees clearly that when his support is withdrawn, the Union force is scattered to the four winds. . . . How much longer he may be able to hold the . . . liberties of Maryland in the hollow of his hand, is . . . unknown . . . but . . . when he can hold them no longer, the Union party may order its winding-sheet.<sup>72</sup>

The Union leaders in Maryland were highly gratified at their victory. Governor Hicks, replying to General Banks who had sent his "kind congratulations on the result of the recent Election," offered his "very sincere thanks for the Important aid you gave us, I say yr. important aid, it was—for *it* and your kindness generally I must ever feel grateful." <sup>73</sup> Congressman Crisfield wrote that the Union victory "ought to insure us quiet; and for me, I would treat with severity all who, hereafter, shall attempt to disturb the peace or corrupt the loyalty of our people." <sup>74</sup> State Senator Anthony Kimmel of Baltimore was convinced that Bradford had a "splended career" before him, and because of his known character and nerve, he was sure that Maryland was safe in his hands. "Under your patriotic administration of her government affairs she is and will be out of danger as the majority so large of her generous people have thrown treason sky high at the Ballot box." <sup>75</sup>

<sup>70</sup> Baltimore *South*, November 7, 1861. These figures refer to Baltimore City's majority.

<sup>71</sup> *Ibid.*

<sup>72</sup> Quoted by *Maryland News Sheet*, November 16, 1861. According to the report of Brigadier General George Sykes, who toured St. Mary's County and guarded the polls, the elections were "held without trouble or disturbance," and the vote was almost as large as normally. *Official Records*, 1st Series, V, 387-388.

<sup>73</sup> Hicks to Banks, *Secret Correspondence* . . . p. 39. This letter is undated.

<sup>74</sup> Crisfield to Bradford, November 10, 1861, Bradford MSS.

<sup>75</sup> Kimmel to Bradford, November 8, 1861, Bradford MSS.

The news of the Union victory was received with a feeling of relief by the Federal authorities. President Lincoln was so assured as to Maryland's loyalty that he drew up a proclamation releasing political prisoners of the State on condition that they would not reclaim offices they may have held at the time of their arrests, that they would take the oath of allegiance to maintain the Union and the Constitution, and that they would in no way abet or aid the existing insurrection against the Federal government.<sup>76</sup> This proclamation, however, was never issued, although Reverdy Johnson and others urged it as a means of conciliating the hostile elements in Maryland.<sup>77</sup>

The manner of Bradford's election is perhaps the least satisfactory feature of his entire career, private and public. That he was responsible for the military interference in his behalf is doubtful, but it is certain that he had knowledge of the way in which his success was brought about. It is likely that he would have won the election without the aid of the Federal government, and by a comfortable margin. But from a moral point of view, a large proportion of his vote was secured by intimidation, the illegal voting of soldiers, and the unlawful use of soldiery. Ignoring these facts, Bradford declared that his inauguration called to "mind the value and success of republican institutions in recognizing, as it were, the power of the people peacefully to select and inaugurate their political rulers by the simple expression of the voice of the majority."<sup>78</sup>

The results of the 1861 election destroyed practically all hope the State Rights party had of taking Maryland into the Confederacy, and many Maryland sympathizers with the Southern cause fled from the State after November, 1861. Many of them enlisted in the Confederate army to join their fellow citizens already recruited by a station that had been set up in Baltimore in 1861.<sup>79</sup> The Federal and State authorities promptly suppressed all signs of secession sympathy of an active nature. Typical of such action was the seizure on November 20 of Miller's Hotel in Baltimore. This was done to break up arrangements, which

<sup>76</sup> *Official Records*, 2nd Series, I, 617.

<sup>77</sup> *Ibid.*, 2nd Series, I, 704.

<sup>78</sup> Bradford's inaugural address, January 8, 1862, Bradford MSS. Also printed in *Maryland Senate Documents* (1861-1862), Doc. A.

<sup>79</sup> *Official Records*, 1st Series, I, 276.



Southern sympathizers had made, for carrying on regular communication with Confederates in Virginia. Employers of and lodgers in the hotel were held responsible for this communication with "Secessia," but the proprietors, although loyal men, were kept under strict surveillance.<sup>80</sup>

After the election Maryland became in fact as well as in name a loyal state. Southern sympathizers still gave the Union leaders much trouble but there was little likelihood of a successful secession movement getting under way. Neither was there any likelihood that the Federal government would be seriously interfered with. There were times when Governor Bradford did not see eye to eye with the Federal administration, but these differences arose over methods of conducting war and not over its major purposes.

*(To be continued.)*

<sup>80</sup> Moore, *op. cit.*, III, "Diary," p. 85.

## BARBARA FRIETSCHIE

By DOROTHY MACKAY AND WILLIAM ROGERS QUINN

(Continued from Volume XXXVII, page 234)

### APPENDIX I

#### A JOURNEY TO PENNSYLVANIA IN 1750

The journey of the so-called Palatines to this country entailed enormous hardships. The time required was about half a year, planned so as to profit by the summer weather, but thus arriving in the fall or winter when conditions were bad here. Gottlieb Mittelberger, who made the crossing in 1750, has left an account of it,<sup>1</sup> from which the following passages are taken:

This journey lasts from the beginning of May to the end of October . . . amid such hardships as no one is able to describe adequately with their misery.

The cause is because the Rhine-boats from Heilbronn to Holland have to pass by 36 custom-houses, at all of which the ships are examined, which is done when it suits the convenience of the custom-house officials. In the meantime the ships with the people are detained long, so that the passengers have to spend much money. The trip down the Rhine alone lasts therefore 4, 5, and even 6 weeks.

When the ships with the people come to Holland, they are detained there likewise 5 or 6 weeks. . . .

Both in Rotterdam and in Amsterdam the people are packed densely like herrings so to say, in the large sea-vessels. One person receives a place of scarcely 2 feet width and 6 feet length in the bedstead, while many a ship carries four to six hundred souls; not to mention the innumerable implements, tools, provisions, water-barrels and other things which likewise occupy much space.

On account of the contrary winds it takes ships 2, 3, and 4 weeks to make the trip from Holland to Kaupp (Cowes) in England. . . .

When the ships have for the last time weighed their anchors near the city of Kaupp (Cowes) in Old England, the real misery begins with the long voyage. For from there the ships, unless they have good wind, must often sail 8, 9, to 12 weeks before they reach Philadelphia. But even with the best wind the voyage lasts 7 weeks.

But during the voyage there is on board these ships terrible misery, stench, fumes, horror, vomiting, many kinds of sea-sickness, fever, dysen-

<sup>1</sup> Carl Theo. Eben, (trans.), *Gottlieb Mittelberger's Journey to Pennsylvania in the Year 1750 and Return to Germany in the Year 1754*. (Philadelphia, 1898), pp. 18-25.

tery, headache, cancer, mouth-rot, and the like, all of which come from old and sharply salted food and meat, also from very bad and foul water, so that many die miserably.

Add to this want of provisions, hunger, thirst, frost, heat, dampness, anxiety, want, afflictions and lamentations, together with other trouble.

When the ships have landed in Philadelphia after their long voyage, no one is permitted to leave them except those who pay for their passages or can give good security; the others, who cannot pay, must remain on board the ships till they are purchased, and are released from the ships by their purchasers.

## APPENDIX II

### THE BARBARA FRIETSCHIE BIBLES

We have found three Bibles which are said to have belonged to Barbara Frietschie, and there is one other concerning which we are unable to get details.

The Bible now in the "Barbara Frietschie house" was undoubtedly the property of Barbara's father, Nicholas Hauer. An inscription, now illegible for the most part, still shows the unquestionably authentic statement, "dieser biebel [*sic*] gehöret mir, Niclaus Hauer," in German script of the eighteenth century. We have no evidence that it ever belonged to Barbara. It was offered for sale in 1900<sup>1</sup> by Miss E. Wilhelmina Mergardt of Frederick, who said that her grandmother had received it from Mrs. Frietschie, her neighbor. This Bible is extremely interesting for it was printed in Germantown by Christopher Sauer in 1743.<sup>2</sup>

A second Bible, printed in Halle, Germany, in 1777, now at Franklin and Marshall College in Lancaster, Pennsylvania, is the property of the Reformed Church Historical Society. It was presented by the Reverend Dr. Eschbach, pastor of the German Reformed Church in Frederick. A note, probably in this minister's hand, states that it had been the property of the Reverend Henry Weiter, step-father of Barbara Frietschie. The Bible is said to have been given to the Reverend Dr. Eschbach by members of Barbara's family after her death. There are no inscriptions except the note mentioned.

<sup>1</sup> W. H. Egle, *Notes and Queries* (Harrisburg, Pa., 1900), pp. 4-5.

<sup>2</sup> Christopher Sauer published the first Bible to appear in this country in a European language. The first edition appeared in 1743, the date of Nicholas Hauer's Bible.

Barbara Frietschie had no step-father, and long searches have failed to connect her with the only Henry Weiter we have been able to find, a Heinrich Weider or Weidner, one of the preachers licensed by Otterbein.<sup>3</sup> Barbara's husband did have a step-father, but his name was Johann Michael Hauser. If, as we believe, this Bible did not come directly to the Reverend Dr. Eschbach, but went originally to the Reverend Dr. Zacharias, Barbara's pastor,<sup>4</sup> both names and relationships of previous owners may have become confused before or after it fell into Dr. Eschbach's hands.<sup>5</sup>

The third Bible has been acquired by the writers,<sup>6</sup> having come to them from Barbara's nephew and executor, Nicholas Hauer, through his nephew, Daniel Hauer Quynn. This Bible is in English, and was printed in Philadelphia by M. Carey in 1815. There is no evidence of previous ownership by Barbara Frietschie, although it is attributed to her by family tradition. One thing suggests her as a possible owner, the fact that the death of her brother Daniel and his wife Margaret were recorded in the "Family Record" pages, in 1841 and 1846. The only other entries on these pages are the names "George" and "Mary" and their record was not completed. The only possible George and Mary are the sister and brother-in-law of Barbara, who moved to Kentucky, and concerning whom nothing is known. Barbara may have written these records, such as they are. We have no reliable samples of handwriting with which to compare them. It is equally probable, however, that the Bible had been the property of her brother Daniel Hauer, whose death, with that of his wife, was recorded by a subsequent owner, his son and Barbara's nephew, Nicholas Hauer (1819-1912). This is further suggested by the fact that the Bible was later presented to her brother's namesake and grand-son, Daniel Hauer Quynn. A number of slips of paper and some clippings found in the Bible suggest that it was in use by some member of the Hauer family as early as 1829.

It is obviously impossible to determine which of these was

<sup>3</sup> *Maryland Historical Magazine*, X (1915), pp. 61-2; A. W. Drury, *History of the Church of the United Brethren in Christ* (Dayton, Ohio, 1924), p. 155.

<sup>4</sup> Mrs. Frietschie left a legacy to Dr. Zacharias. See her will, Court House, Frederick, Liber APK, no. 1, fol. 230.

<sup>5</sup> Dr. Eschbach succeeded Dr. Zacharias in 1874, eighteen months after the latter's death.

<sup>6</sup> On deposit at the Maryland Historical Society.

Barbara's own Bible, in use at the time of her death. A number of her letters and receipts are said to have been found in the first of these Bibles, that of Nicholas Hauer, her father. John Casper Frietschie, in his will,<sup>7</sup> left his "family bible and German books" to his wife. Presumably the Bible, like the books mentioned, was German. In this case, he may have referred to the one now in Lancaster. The other German Bible would not have been his to dispose of. If it was in the family at all, it was the property of his wife, having come from the Hauer family. We have found no reference at all to the English Bible which we now own.

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### APPENDIX III

#### THE HAUER, ZIEGLER, AND FRIETSCHIE FAMILIES

Although there is definite record of the name of Barbara Frietschie's father, her mother's name is preserved only by tradition, and we do not know the dates of her birth or death. Such dates as have been connected with her have turned out to belong to Catherine Hauer, wife of her husband's brother.

The traditional name of Nicholas Hauer's wife was Catherine Zealer or Zeiler.<sup>1</sup> This is probably a garbled form of the German "Ziegler," resulting perhaps from ignorance of German on the part of some of those who have preserved it. It happens that Nikolaus Hauer and his wife acted as sponsors, on January 21, 1773, for a child born to Heinrich and Anna Maria Ziegler.<sup>2</sup> The records of both the Lutheran and German Reformed Churches of Frederick show that it was a common practice for an uncle and his wife, or an aunt and her husband to stand sponsor for children at baptism. If this procedure was followed in this case, Catherine Hauer was probably the sister of Heinrich Ziegler. This deduction depends partly on the similarity of this name and the corrupt version, "Zealer." Incidentally, a "Zigler" family had arrived in Philadelphia on the same day as Hauer, although not on the same ship.<sup>3</sup> A Johann Heinrich Ziegler had

<sup>7</sup> Court House, Frederick, Liber TS no. 1, fol. 44.

<sup>1</sup> Abbot, p. 7.

<sup>2</sup> MS Records of the Evangelical Lutheran Church of Frederick, transcription, Maryland Historical Society, II, 585.

<sup>3</sup> Strassburger, I, 574.



arrived in October, 1753.<sup>4</sup> There was a Heinrich Ziegler, possibly the same person, in Frederick in 1757.<sup>5</sup> Catherine Hauer probably predeceased her husband. We have found no trace of her for many years before his death, and she was not listed among his heirs.

The list of names of the Hauer children in Williams and McKinsey,<sup>6</sup> gives Henry, Daniel, Catharine, Elizabeth, Barbara, Margaret and Mary. From the church records, and from the list of heirs to Nicholas Hauer's estate,<sup>7</sup> we can establish a more correct list: Catherine, Jacob, Maria (Mary), Barbara, Daniel, Henry, George and Margaret, in order of age.

Nicholas Hauer had financial difficulties during the last years of his life. On September 3, 1794, a lot which he owned was sold for debt by the sheriff.<sup>8</sup> He died intestate in 1799.<sup>9</sup> For some years nothing seems to have been done about his estate. Then, in 1812, one James S. Hook applied for papers of administration in order to collect a debt of £463-0-7½ owed him by Hauer. The value of the Hauer property, which consisted mostly of slaves, was £613-0-7½, or \$1,634.75. After Hook had collected his debt and paid expenses, the sum of £145-0-6 was distributed among the eight children or their heirs.<sup>10</sup>

An examination of the land records of Frederick shows that the Hauer, Frietschie and Handschuh families were neighbors, occupying lots 344, 346 and 345, respectively.<sup>11</sup> At first it appeared that the houses were on the north side of Second Street, some hundred twenty-five feet east of the intersection of Bentz Street, where the Methodist Church now stands. In the course

<sup>4</sup> *Ibid.*, 574.

<sup>5</sup> MS Records of the German Reformed Church of Frederick, transcription. Maryland Historical Society, I, 52.

<sup>6</sup> II, 1047.

<sup>7</sup> Court House, Frederick, Liber RB no. 3, fol. 94 and fol. 287.

<sup>8</sup> Court House, Frederick, Liber WR 12, fol. 548.

<sup>9</sup> MS Records of German Reformed Church, Frederick, transcription, I, 343. Family tradition says that Hauer died in Madison County, Kentucky, while visiting his daughter Maria, the wife of George Adams. There was a George Adams who played a prominent part in the political and judicial life of Madison County in the last years of the eighteenth century. We find no information about his wife, and no trace of Nicholas Hauer there. Maria Hauer's husband was unquestionably a George Adams (see note 10 below). She and her husband seem to have left Frederick, and there is no record of the burial in Frederick either of Nicholas Hauer or of George and Maria Adams.

<sup>10</sup> Court House, Frederick, Liber RB no. 3, fol. 94 and fol. 287.

<sup>11</sup> Plot of lots in Frederick, August 10, 1782, Office of the City Engineer, Frederick; also Surveyors' Notes, 1817-20.

of our investigation, we found that the house occupied by Barbara Frietschie at the time of her death, on the well-known Patrick Street site, was on lot number 346. A check at the office of the City Engineer showed that there were two sets of lots with these numbers, one on Second Street, the other on Patrick Street, the latter on property confiscated from Loyalists. No one seems to be able to explain this oversight. We checked the titles and deeds of the Frietschie property as far back as 1801,<sup>12</sup> and find that the error had been committed prior to that date, and apparently never discovered. It appears from records that Barbara Frietschie's house had at one time been the home of the Frietschie family, and had been acquired by Barbara's husband in 1811, when the other heirs sold their shares to him. The Hauers and Handschuhs were their nearest neighbors.

Barbara and her husband were slave-owners, as her family had been. John Caspar Frietschie provided in his will for the emancipation of one slave, and left him the house in which this servant had lived.

There has been considerable discussion about the spelling of the name Frietschie. We have found many forms in frequent use by the family and friends, and in church records. The variants include Frietschie, Frietchie, Fritchie, Fritchy, Fritchee, Fritchey, Freitchie, and Fridshey. The original German was probably Frietsche. The most common forms are Frietschie and Frietchie. In the interest of consistency, we decided on the former. The latter is, in our opinion, a late corruption, and would not have been used by a German-speaking person. This form has been seen more frequently since Barbara's death, perhaps because Whittier used this spelling. The last form written by Barbara herself seems to have been Fritchie. The deed to the cemetery plot acquired by her husband in 1849 read Fritchee.

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#### APPENDIX IV

##### HOW WHITTIER HEARD THE STORY

The story which suggested to Mr. Whittier his ballad of "Barbara Frietchie" came to him from Mrs. Emma D. E. N. Southworth, of

<sup>12</sup> Court House, Frederick, Liber JWL no. 3, fol. 700; Liber WR no. 39, fol. 364; Liber JWLC no. 3, fol. 364.

Georgetown, D. C., the well-known novelist, whose acquaintance he made while he was corresponding editor of the "National Era." On the 21st of July, 1863, she wrote to him the following note: "I send this little note out merely in quest of you. If it should find you, please let me know your exact address, as I have a message to deliver you. You need only put your address in the inclosed envelope. When I get it I will write to you."

As soon as she obtained the address she sent the following narrative,<sup>1</sup> and the ballad founded upon it was written within a fortnight after its receipt in Amesbury:—

'When Lee's army occupied Frederick, the only Union flag displayed in the city was held from an attic window by Mrs. Barbara Frietchie, a widow lady, aged ninety-seven years.' Such was the paragraph that went the round of the Washington papers last September. Some time afterwards, from friends who were in Frederick at the time, I heard the whole story. It was the story of a woman's heroism, which, when heard, seemed as much to belong to you as a book picked up with your autograph on the fly leaf. So here it is: Barbara Frietchie was born in 1766; she was ten years old at the breaking out of the revolutionary war, and was fifteen years old at its close; therefore at the most susceptible period of her life she must have drawn in from that heroic epoch the ardent spirit of patriotism which inspired her act. When on the morning of the 6th of September, the advance of Lee's army, led by the formidable rebel general 'Stonewall' Jackson, entered Frederick, every Union flag was lowered, and the halliards cut; every store and every dwelling-house was closed; the inhabitants had retreated indoors; the streets were deserted, and, to quote the official report, 'the city wore a church-yard aspect.' But Mrs. Barbara Frietchie, taking one of the Union flags, went up to the top of her house, opened a garret window, and held it forth. The rebel army marched up the street, saw the flag; the order was given, 'Halt! Fire!' and a volley was discharged at the window from which it was displayed. The flag-staff was partly broken, so that the flag drooped; the old lady drew it in, broke off the fragment, and, taking the stump with the flag still attached to it in her hand, stretched herself as far out of the window as she could, held the stars and stripes at arm's length, waving over the rebels, and cried out in a voice of indignation and sorrow: 'Fire at this old head, then, boys; it is not more venerable than your flag.' They fired no more; they passed in silence and with downcast looks; and she secured the flag in its place, where it waved unmolested during the whole of the rebel occupation of the city. 'Stonewall' would not permit her to be troubled. The rebel army evacuated Frederick on the 11th, and our troops, under General Burnside, entered on the 12th. 'Then,' to quote the document again, 'flags of all sizes and from every conceivable place were displayed.' But as for the heroic old lady, she died

<sup>1</sup> Samuel T. Pickard, *Life and Letters of John Greenleaf Whittier* (Boston, 1899), II, 454-457. Reproduced by kind permission of the publishers, Houghton, Mifflin Company.

a few days after; some thought she died of joy at the presence of the Union army, and some that she died of excitement and fatigue from the 'lionization' she received; for those who could not emulate the old lady's courage did honor to her act.

This is the whole story, as Mr. Whittier had it when he wrote the ballad. Of the substantial accuracy of the narrative many convincing proofs came to him, from time to time, in the midst of the animated and prolonged controversy the ballad elicited. He never felt responsible for the details, although his verses, it will be seen, follow quite closely the version sent by Mrs. Southworth, who says she obtained the story from Mr. C. S. Bramsburg, a neighbor of hers and a connection of Barbara's. When he told it to Mrs. Southworth and her son Richmond, her son suggested that it would be a grand subject for a poem by Whittier, and upon that hint the story was forwarded to him. On the 8th of September 1863, Mr. Whittier wrote to Mrs. Southworth: "I heartily thank thee for thy kind letter and its inclosed message. It ought to have fallen into better hands, but I have just written out a little ballad of 'Barbara Frietchie,' which will appear in the next 'Atlantic.' If it is good for anything these deserve all the credit of it."

Since the letters quoted by Pickard do not appear to be extant, and were probably burned,<sup>3</sup> it cannot be proven conclusively that they ever existed. The story does not depend on the reliability of Mrs. Southworth's statement, although she gave essentially this account to a reporter for the *Washington Evening Star* on September 8, 1892. More important than her testimony is the acceptance of this version by Samuel T. Pickard, Whittier's biographer, who was related to the poet and who had access to materials no longer extant. His plans for the biography were known to and discussed with Whittier. If Whittier had not wished to give Mrs. Southworth credit for the idea, Pickard would undoubtedly have been aware of his objections, especially since the question was a controversial one long before the death of the poet.

It has been stated<sup>3</sup> that the idea for the poem came from Dorothea Dix, Superintendent of Women Nurses for the U. S. Hospital Service during the Civil War. There is no evidence to support this.<sup>4</sup>

<sup>3</sup> Unfortunately, Whittier burned most of his correspondence, "from the fear that to leave them liable to publicity might be injurious or unpleasant to the writers or their friends." (*The Critic*, April 3, 1886, p. 75.)

<sup>4</sup> *Washington Evening Star*, September 12, 1892; Helen C. Marshall, *Forgotten Samaritan* (Chapel Hill, 1937). See Appendix V.

<sup>4</sup> The confusion leading to this claim will be discussed in Appendix V.

Mrs. Southworth apparently got the story from Mr. C. S. Ramsburg, a neighbor.<sup>5</sup> Mrs. Dall, reporting a version she had heard in Frederick, said that "a great nephew of John Caspar Frietschie had gone to Frederick on his bridal tour, and had attended his aunt's funeral. . . ." <sup>6</sup> He returned to Washington, and told his brother, a real estate agent in Georgetown, who in turn told Mrs. Southworth.

We have corroboration of a part of this story from the diary of Jacob Engelbrecht. He recorded on December 8, 1862, that "Mr Valerius Ramsburg and wife Amanda of Georgetown, D. C. arrived in our town on Thursday evening, December 4. They are on their wedding tour—having been to Philadelphia, New York and Boston . . . in our city they stay at his uncle's Mr Valerius Ebert." He records on Monday, December 22, 1862, that "they both left our town today in the 2 o'clock cars for home." We also have evidence from this diary of the existence of a C. S. Ramsburg of Georgetown. Sixteen years earlier, on January 18, 1847, Engelbrecht had written, "Cornelius Stilly Ramsburg came to pay us a visit from Georgetown. He tarried with us and with other relatives—he is about 7 years old."

John Caspar Frietschie mentioned Valerius Ebert in his will as a son of his deceased sister Rebecca (Mrs. John Ebert). He also mentioned her daughter, Ann Ramsburg. We may deduce from this and from Engelbrecht that Valerius Ramsburg and his brother Cornelius Stilly Ramsburg, were sons of Ann Ramsburg, and great nephews of John and Barbara Frietschie, as well as relatives of Valerius Ebert.

It is to be noted that Valerius Ramsburg stopped with his uncle Valerius, of Confederate sympathies, who always denied all knowledge of the story. Had Valerius Ramsburg got the story from him, it would doubtless have been a Confederate version. In this case, Mrs. Southworth would have had little sympathy for the tale and its bearers. It is more likely that Ramsburg got it from other people in Frederick.

Valerius Ramsburg and his wife could have attended the funeral on December 21, since they did not leave Frederick until the next day. It is curious that Engelbrecht did not mention their

<sup>5</sup> *Washington Evening Star*, September 8, 1892. Pickard says, "she obtained the information from Mr. C. S. Ramsburg (*sic*), a neighbor of hers and a connection of Barbara's."

<sup>6</sup> P. 7.



presence, since he himself was their relative, but the only people he does mention are the pall-bearers.

There has been only one serious effort to challenge the Southworth claim. It consists of a letter published in the *Frederick Daily News* on July 19, 1913, which read as follows:

Amesbury, Mass., July 11, 1892.

Dear Sir:

Your letter of recent date received and in reply: The inspiration came to me while I was waiting for the distribution of mail in the post-office at Amesburg (*sic*) and listened to an invalid soldier, who was wounded in the battle of the Monocacy.

He related the fact of the waving of the flag by a woman, her name he did not know.

I wrote to the postmaster of Frederick, Md. (William D. Jenks) asking him who dared the "Rebel host."

His reply was, "In all probability the heroine's name was Barbara Frietchie."

I have reconciled viz.: As I understand it, the soldier described the heroine as a young woman; Mr. Jenks, whom I took for authority described her as four score years and ten.

Hoping I have satisfied what you term curiosity, I am respectfully,

John G. Whittier.

We have been unable to find any copy of this letter except that published in the *Daily News*. The name of the person to whom the letter was addressed was not given. That the letter ever existed, or that it was written by Whittier, would be difficult to prove. Internal evidence weakens the case considerably, for the language is not that ordinarily appearing in Whittier's letters, and one of the errors, that of spelling Amesbury as Amesburg would be unlikely coming from a resident of the town.<sup>1</sup> Until the original of this letter is produced, or the testimony of a critical scholar as to its existence and authenticity is available, it cannot reasonably be used to refute the Southworth version.

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## APPENDIX V

### WHITTIER'S BELIEF IN THE STORY

Pickard<sup>1</sup> has said that at the time of the publication of the ballad, "much was being said about the apocryphal nature of

<sup>1</sup> The editor of the newspaper has indicated that this is not a misprint by placing *sic* after Amesburg. The battle of the Monocacy occurred 1864.

<sup>2</sup> II, 457.

the stories . . . particularly about the 'Barbara Frietschie legend.' " According to him, Whittier replied to one of these criticisms as follows: "That there was a Dame Frietchie in Frederick who loved the old flag is not disputed by any one. As for the rest I do not feel responsible. If there was no such occurrence so much the worse for Frederick City."

If the authenticity of the story was being widely discussed, it is quite possible that Whittier may have made inquiries. Dorothea Dix wrote him about it in 1865, but we do not know whether she sent the information on her own initiative or whether she wrote in reply to an inquiry. Her letter, dated at Washington, January 12, 1865, begins:

Sir:

Lately being in Frederick City on Hospital Inspection, I learned some facts concerning "Barbara Frietchie" whose name is almost immortalized in your patriotic poem . . . and I obtained from a member of her family the *carte*<sup>2</sup> which I enclose, believing if you do not already possess it, you will be gratified to receive what is said by her friends to be a very excellent likeness. . . ."

The letter continues with comments on Barbara as a housekeeper, as a lover of children, and as a patriot, but says nothing about the details of the story.<sup>3</sup>

Whittier attributed much importance to this letter. In defending the authenticity of the story, he wrote, on December 18, 1884,<sup>4</sup> "I have no doubt of the substantial accuracy of the facts of the ballad of Barbara Frietchie. I had information from a lady in Washington at the time and from Dorothea Dix, and from a nephew of Barbara Frietchie." And on October 19, 1890, he wrote to a friend,<sup>5</sup> "I had a portrait of the good Lady Barbara from the saintly hand of Dorothea Dix and a cane from Barbara's cottage, sent me by Dr. Steiner of the Maryland Senate." It was doubtless these last two letters, and not that of Dorothea Dix to Whittier which were used by people who attribute the origin of the story to Dorothea Dix.<sup>6</sup> The date of her letter, 1865, is a year and a half after the poem appeared. We must

<sup>2</sup> Apparently one of Byerly's photographs of Barbara.

<sup>3</sup> John Albee, *Whittier Correspondence from the Oak Knoll Collections, 1830-1892* (Salem, Mass., 1911), pp. 152-3.

<sup>4</sup> F. L. Coolidge, *Magazine of History*, XVI (1913), p. 120.

<sup>5</sup> Pickard, II, 458.

<sup>6</sup> Cf. Helen Marshall, *Forgotten Samaritan* (Chapel Hill, 1937), pp. 24-27.

therefore use it as Whittier did, for purposes of corroboration only.

It has been repeatedly said that Whittier, late in life, admitted that he had been mistaken about the whole matter. Virgie Quantrell Browne<sup>7</sup> said in 1891 and 1892 that Whittier had written her several letters "expressing regret that he had given publicity to a false idea and robbed the true subject of justice." As far as we can discover, she never published or otherwise made public any of these letters. And as recently as 1923, the *Observer-Dispatch*, of Utica, N. Y., printed a story under the date-line, Athens, Ga., Feb. 3, reading in part as follows:

Today in scores of communities the authenticity of John Greenleaf Whittier's poem is under attack. And now comes the United Daughters of the Confederacy with an official announcement that they can prove the monument to Frederick's heroine, at Frederick, Md., is a "monument to falsehood."

Miss Mildred Rutherford of this city, State historian of the U. D. C., said today that she had gathered proof that the incident of the poem did not and could not have occurred.

"I have in my possession a copy of a letter written by Whittier in 1892," she said today, "in which he acknowledged that he was mistaken in the name of the place where the incident took place and in the person mentioned. He says a soldier returning from the war told him about it. The soldier supposed that Frederick was the city. So Whittier wrote to the postmaster and asked for the name of the woman concerned in the flag waving.

"The postmaster replied that he had never heard of the incident, but that if it took place that it sounded like Barbara Frietschie, who was a very patriotic woman. The name appealed to Whittier and upon that authority alone he wrote the poem."

We have attempted to trace this letter, but without success, since Miss Rutherford's papers were destroyed by fire some time ago. As far as we can determine, however, there is no evidence that Miss Rutherford had a manuscript letter, or knew that such a manuscript existed. In our opinion, Miss Rutherford was in possession of a clipping of the supposed Whittier letter of July 19, 1892, which was published in the *Frederick Daily News*, and which has been discussed in Appendix IV above.

We have found no authentic statement by Whittier to the effect that he was mistaken about the story of Barbara Frietschie. He was unquestionably aware of the criticisms made, and in the

<sup>7</sup> See Notes 109 and 110 above.

*Riverside Edition* of his works, published about three years before his death, he made a statement, the obvious purpose of which was to protect himself from such criticism. In an introductory note to the Barbara Frietschie ballad, he said,<sup>8</sup>

This poem was written in strict conformity to the account of the incident as I had it from respectable and trustworthy sources. . . It has since been the subject of a good deal of conflicting testimony, and the story was probably incorrect in some of its details . . . when General Burnside's troops followed close upon Jackson's she waved her flag and cheered them. It is stated that May Quantrell, a brave and loyal lady in another part of the city, did wave her flag in the sight of the Confederates. It is possible that there has been a blending of the two incidents.

As far as we can learn, this is the nearest<sup>9</sup> Whittier ever came to admitting an error in his version of the story.

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#### APPENDIX VI

##### BARBARA FRIESTCHIE IN GERMAN<sup>1</sup>

On July 4, 1865, this translation of the ballad appeared in the Berlin *Vossische Zeitung*. An introductory note explains that its publication is in honor of the American Independence Day, the first one after the close of the Civil War. The translator was Theodor S. Fay, then our Minister to Switzerland, and formerly Secretary of the Legation in Berlin.

##### BARBARA FRITCHIE.

Frisch vom Septembertag umhaucht,  
Aus goldenen Aehrenwogen taucht,  
Umgrünt von den Hügeln Maryland's  
Der Kirchthurm Frederick's im Sonnenglanz.  
Obstgärten reihen sich rings umher,  
Behängt mit Pflirsig und Aepfeln schwer.  
Wahrlich ein Eden, sehnlich erheischt  
Von Rebellenhorden, die Hunger zerfleischt.

<sup>8</sup> *Anti-slavery Poems: Songs of Labor and Reform* (Houghton, Mifflin, 1888), III, 245.

<sup>9</sup> Cf. Belknap, in Hartford (Conn.) *Times*, January 6, 1923; *Century*, X (September 1886), 783 ff. Henry Kyd Douglas, in *I Rode with Stonewall* (Chapel Hill, 1940), denied the Barbara Frietschie story completely (p. 151-2), and called attention to the fact that Whittier "held on to the fiction with such tenacity for years after, that he seemed to resent the truth about it."

<sup>1</sup> From a clipping in the Harvard University Library.

Wohl über den Bergwall kletterte Lee,—  
Und der Morgen kommt und da sieht man sie  
Zu Fuss und zu Ross in grauen Reih'n,  
So rücken in Frederickstown sie hinein.

Früh am Morgen das Auge noch schweift  
Ueber vierzig Flaggen besternt und bestreift,  
Aber des Mittags Strahlen seh'n  
Von vierzig Flaggen keine mehr weh'n.

Da Barbara Fritchie vom Lager sich regt,  
Auf das volle neunzig Jahr sie gelegt,  
Mit hohem Muthe die Flagge sie hisst  
Die eingezogen von Männern ist.

Am Erkerfenster die Flagge sich bläht  
Und Barbara Fritchie zur Seite ihr steht;  
Rebellenhorden rücken heran  
Ihr eiserne Stonewall-Jackson voran.

Unter dem Filzhut umher er blickt,  
Und die Flagge stolz entgegen ihm nickt,—  
„Halt!“ die gebräunte Schaar hält Stand—  
„Feuer!“—da zückt ein Blitz von der Hand.

Die Fenster splintern, die Kugelsaat  
In den Stock der Flagge geschlagen hat,  
Er bricht, doch ehe sie selber fällt,  
Barbara Fritchie empor sie hält.

Weit aus dem Fenster gelehnet, fest,  
Voll Muth das Banner sie flattern lässt:  
„Dies graue Haupt zerschmettert mir,  
Doch schont des Vaterland's Panier!“—

Sie ruft's, und ein Zug von Scheu und Schaam  
Ueber des Führer's Antlitz kam,  
Und edlere Regung in's Herz ihm trat  
Bei des neunzigjährigen Weibes That.

„Wer die Greisin dort trifft,“ so ruft er barsch,  
Stirbt wie ein Hund!—auf! vorwärts, marsch!—  
Den ganzen Tag scholl Feindes Trab  
Durch Frederick's Strassen wohl auf und ab.

Den ganzen Tag voll Majestät  
Ob ihren Häuptern die Flagge weht:  
Der Abend mit seinem letzten Glanz  
Grüsst noch das Banner des Vaterlands!

Barbara's Haupt hat zur Rast sich geneigt,  
Jetzt, wo kein Feind mehr im Land sich zeigt,—  
Ehrt sie! Doch fall' eine Thrän' auch herab  
Auf des Rebellen Stonewall's Grab.

Ueber Barbara Fritchie's Gruft  
Rauscht unsre Flagge stolz durch die Luft,  
Und wo man je von Heldinnen spricht,  
Vergesst die alte Barbara nicht!



## LETTERS OF CHARLES CARROLL, BARRISTER

(Continued from Volume XXXVII, page 68)

[Among interesting topics included in the present installment, not least is the counsel given to young Charles Willson Peale, then in London, in the letter dated October 29th, 1767. Here is evident both the sound judgment and the generous instinct of the writer. According to Charles C. Sellers' biography, *Artist of the Revolution* (Hebron, Conn., 1939), the hat was once more passed in Peale's behalf, with the result that the sum of £30 was realized. Thanks to this timely aid, in which the Barrister participated as the letters show, Peale remained in London until March, 1769.—EDITOR.]

Gent

By the first of your Ships Coming in to Annapolis I Desire you will send me the Contents of the Inclosed Invoice and the Stone and Marble mentioned in mine of the 2<sup>d</sup> July Last according to the Directions of the Letter and Plan Inclosed in it in Case the Cost be Reasonable as in the Letter mentioned.

I need not I hope Desire the Greatest Exactness in the Stone Cutter and Person of whom you Git the stone and marble as they must be sensible that the Least Deviation Mistake, or variance from the Plan Can not be Remedied here and must Render the whole that will be sent useless to me

Let all sent be Insured in such manner that in Case of Loss I may Draw my Principal and Charges

I am Gentlemen y<sup>r</sup> M<sup>h</sup>le Servant

C. Carroll

Annapolis Maryland

August 6<sup>th</sup> 1767

To Mess<sup>rs</sup> Sedgley Hilhouse

and Randolph

Merch<sup>t</sup> in Bristol

}    Ⓢ Capt<sup>t</sup> Richardson for London  
}    Ⓢ Capt. Spencer

Gentlemen

I shall ship you in your Vessel Called the Dolly (I do not Know whether she be a Ship or Brig) Captain Thomas Woodford

Twelve Tons of Pig Iron I Desire you will make Insurance for me on the Vessel now in West River there and thence to the Port of London that in Case of Loss I may Draw the Sum of Sixty pounds sterling Clear of Charges

I am Gentlemen your most H<sup>ble</sup> serv<sup>t</sup>

Charles Carroll

Annapolis Maryland }

Aug<sup>t</sup> 16<sup>th</sup> 1767 }

To Mess<sup>rs</sup> Jorden and Maxwell } @ Captain Frost and }

Merch<sup>ts</sup> in London }

Richardson }

Invoice of Goods sent in Closed in a Letter to Mess<sup>rs</sup> Sedgley Hilhouse and Randolph Merchants in Bristol Dated the 6<sup>th</sup> August 1767

- 4 20<sup>m</sup> 10<sup>d</sup> and 15<sup>m</sup> 20<sup>d</sup> nails  
 )( four Good S pipe Stock Locks at about 4/ Each  
 XX 6 Good S pipe Padlocks  
 50<sup>th</sup> Drop 50<sup>th</sup> Bristol and 10<sup>th</sup> Goose Shot  
 one small Smiths Anvil  
 one Small Ditto vice  
 one Small pair Smiths Belows  
 2 Dozen blue and white Check Handkerchiefs  
 2 pieces Dowlas  
 2 piece of Check Linen  
 1 piece Grey Fearnought  
 1 D<sup>o</sup> Stript Duffils for Blankets  
 1 D<sup>o</sup> Cloth Coloured Kersey with Trimmings  
 2 D<sup>o</sup> blue Half thick  
 1 Dozen mens best Felt Hats  
 1 Dozen Ditto ordinary  
 1 Dozen mens Double worsted Caps  
 1 Dozen womens Large blue yarn Hose  
 6 pair mens Large Strong Coarse Thread Stockings for Servants  
 4 pair Small Boys Ditto  
 3 Best Garden Scythes

Sir/

I have Shipped you in your Ship the Melevia Captain Montgomerie Seven Tons Bar Iron and fourteen Tons of Pig I Desire that you will make Insurance for me on the said Vessell That in Case of Loss I may Draw the sum of one hundred and seventy five Pounds Clear of Charges

I shall have occasion to draw on you this year I believe for one hundred or one hundred and fifty Pounds to Clem<sup>t</sup> Brook to Purchase Negroes on our Company Account besides the one hundred Pounds for our Annual Supply of Goods, Which Bills be pleased to pay when they Come to Hand

Send me with my other Goods one Bushel of Siberian Vetches one Bushel of the next Hardest winter vetch, one Bushel of the Best summer Vetches, one Bushel of Burnet seed If you have not before this Reaches you spoke to any nursery man for the Fruit Trees I wrote for I would have you apply for them to Samuel Hewit in Brumpton near London who is Recommended to me as an honest man that has a Great Variety of the best fruit Trees

I am Sir your Most H<sup>ble</sup> Servant

C Carroll

Maryland Septem<sup>r</sup> 10<sup>th</sup> 1767  
To M<sup>r</sup> William Anderson  
Merchant in London

Sept<sup>t</sup> 23<sup>d</sup> ④ Captain George Buchanan  
30 ④ Captain Reade

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Mr. Peale

It was a Pleasure to me to find by yours of the 17<sup>th</sup> March last that you were in a way of Acquiring some Improvement in your Profession but I was a Little surprized to hear from M<sup>r</sup>. Anderson that you had thoughts of Leaving England to sail for Maryland the November following the Dates of your letters as I supposed you would make your stay in England as Long as Possible to Get all the Insight you Could and as I Calculated the Assistance you Carried from Hence would enable you to make a Longer stay but I hope both M<sup>r</sup>. Anderson and myself were mistaken and that you have Conducted yourself with that Prudence and Frugality that you will not have occasion to hurry away before you have in some measure attained the Ends for which you went. You are to Consider that you will never be able to make up to your self and family the Loss of the opportunity and that those by whom you have been Assisted will be sorry to find their money Thrown away but I hope as I before said that I have been mistaken and

those hints are unnecessary. I have wrote to Mr. Anderson and left it to his Descretion in Case he should judge you Deserving to advance you Eight or Ten Guineas more on my Account.

I observe your Inclination Leads you much to Painting in miniature I would have you Consider whether that may be so advantageous to you here or whether it may suit so much with the Taste of the People with us as Larger Portrait Painting which I think would be a Branch of the Profession that would Turn out to Greater Profit here you Likewise mention the Copying of Good Painting by which I suppose you mean the Study of History Painting. This I look upon as the most Difficult Part of the Profession and Requires the utmost Genius in the artist few arrive at a High Point of Perfection in it and indeed in this Part of the World few have a Taste for it and very few Can go thro' the Expence of Giving that Encouragement that such an artist would Desire but after all Consult and be guided by the best of your own Genius and Study that Branch to which your Disposition Leads you and that you Judge most suitable to your Talents you had better be a Good Painter in Miniature than an Indifferent one in Either of the other Branches and be Assured that what I have above wrote and mentioned Proceeds from my Desire of your welfare As I am

Your Friend and Servant

Cha. Carroll <sup>1</sup>

Annapolis October 29<sup>th</sup> 1767  
To Mr. Charles Wilson Peale  
to the Care of Mr. W<sup>m</sup>. Anderson

¶ Captain Montgomerie  
and Banning.

Gent/

I have just now the Pleasure of yours by Captain McLachlan but have not as yet Received My Goods and Inclosed I send you Bills Lading for my Iron in Coxen and Montgomerie,

I Did not mention in my letter to you for the Goods I wrote for

<sup>1</sup> This letter was quoted in these pages by Dr. W. Stull Holt in "Charles Carroll, Barrister: The Man" (Vol. XXXI, p. 125). It is now reprinted to preserve its place in the context. Part of the letter has also appeared in Sellers' biography of Peale, p. 84-85.

this year to make Insurance on them be pleased to do it, And tho' I should omit to write for Insurance when I write for Goods always make it. The Burnet Seed I write for must be of the kind they Call Rocques Burnet which is the best in standing the winter be pleased to Give your seedsman Particular Directions about it. I Desire it with all the seed I write for may be Fresh and Put in a Dry place in the Ship. Mr Bordley had some in this year from you Either so old or so Damaged in the Ship that it will not Come up this. Besides the Loss is a Great Disappointment to us Experiment making Farmers.

You wrote me that young Peale thought of Leaving England this next November I am sure he went from hence with orders for Cash that would have in my opinion Enabled him with Good Management to have staid at Least two years in England and I hope he has not misbehaved and if so I leave it to your Discretion if you think him Deserving of it and it will help him to make out his stay to full two years to advance him farther on my account Eight or Ten Guineas and no more I have wrote to him to your Care and shall be obliged if you will send the Letter My wife still Complains that her shoe maker my Good master Hose Deals very heedlesly by her Pray make my Compliments to him and Desire him to Regard Particularly the Directions and measures herein Inclosed about the shoes wrote for by Love for her Else tell him I shall by the next opportunity send him Myself a Tickler. My Compliments Likewise in a Particular manner to the Good Knight Alderman and Grocer Sr Thomas Rawlinson and Let him Know that Imposing upon a man is by no means a Deed of Chivalry if he Does not mend his manners tell him and send me Better Tea I shall think the Touch of his Majestys Sword has no more Virtue than the Imposition of Hands of a Bishop it Gives only a Little Pride and Leaves the morals and Principles of a man just where it found them.

My wife joins me in a Tender of our Kindest Compliments to all with you

I am Dear Sir your M<sup>hble</sup> serv<sup>t</sup>

Charles Carroll

Annapolis October }  
 29<sup>th</sup> 1767 }  
 To Mess<sup>rs</sup> William and  
 James Anderson  
 Merchants in London



P. S. Direct your Book seller to send me In the Monthly Review for this year 1767 as those he sent me Come to December 1766, and to send me the Volum Every year to Continue my set.

November 7<sup>th</sup> 1767    Ⓐ Captain Montgomerie

Ⓐ Captain Banning

Annapolis Novem<sup>r</sup> 17<sup>th</sup> 1767

Gent/

Please to Direct your Book Seller to send me in the Spiritual and Temporal Liberty of Subjects in England in two Parts by Anthony Ellis Late Bishop of St Davids 4<sup>to</sup>: Whiston Bound and and the History of the Minority during the years 1762-63-64 and 1765 sewed

Your H<sup>ble</sup> Servant

C. Carroll

To Mess<sup>rs</sup> William and James    }  
Anderson Merchants in London }

Ⓐ Captain Davis

Ⓐ Captain Bailey

December 5<sup>th</sup> 1767

Gent/

I have the Pleasure of y<sup>rs</sup> of the 27 Febr<sup>uary</sup> Last & Rec<sup>d</sup> safe by the sloop Potts the Pipe of Madeira sent by Her to me the Flavor of it I Like very well shall be a Better Judge of it two or three years Hence & Have Laid it by for about that Time Be Pleased to send me in by Capt Read a Pipe of the same Prime Kind for my own use for the Cost of w<sup>h</sup> Be Pleased to Draw on Mess<sup>rs</sup> William & James Anderson Merch<sup>ts</sup> in London & send with y<sup>r</sup> Bill the Inclosed Letter Shall be obliged if in y<sup>r</sup> next you will Let me Know whereabouts the Best Malmsey Comes p<sup>r</sup> H<sup>hd</sup> or p<sup>r</sup> Cask & whether a Little of it will not mix well with & Improve the Madeira Table wine & about what Quantity to the Pipe

I am Gent Y<sup>r</sup> Mo H<sup>ble</sup> Serv<sup>t</sup>

C. C.

Annapolis Maryland

Dec<sup>r</sup> 7, 1767

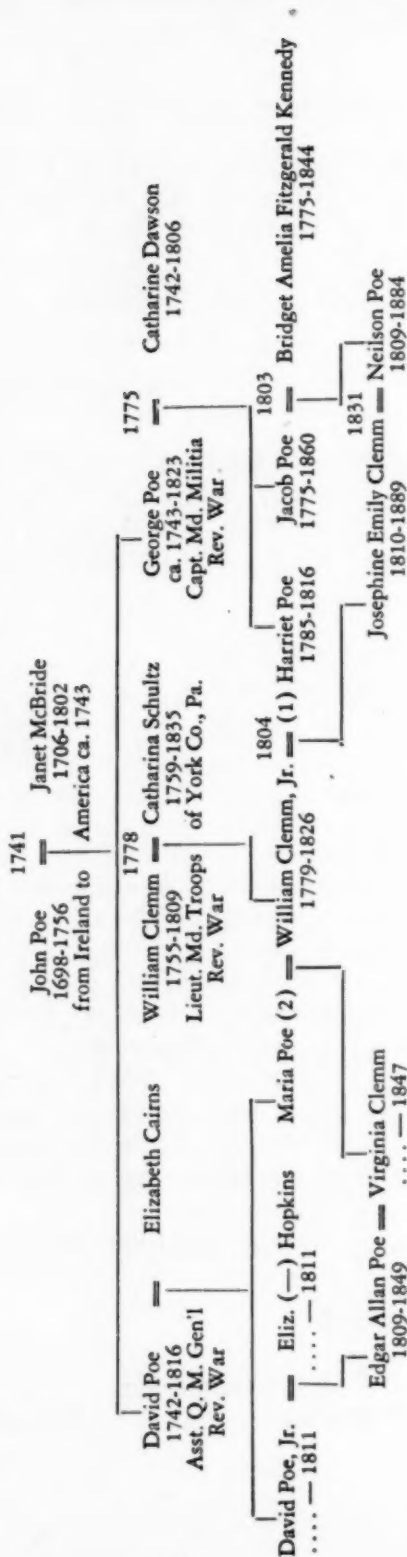
To Mess<sup>rs</sup> Scott Pringle Cheap & Co.

Merch<sup>ts</sup> Madeira

Ⓐ Capt. Reed

# POE CHART

By FRANCIS BARNUM CULVER



## LINEAGE OF EDGAR ALLAN POE

AND

### THE COMPLEX PATTERN OF THE FAMILY GENEALOGY

By FRANCIS BARNUM CULVER

The name Poe is a nickname. It came from the Anglo-Saxon *pawa*, old Norse *pa*, Latin *pavo*, "peacock." Middle English forms include *paw*, *pay*, *po*, etc. "As proud as a po" is preserved in an old English political song.

The Poe family of Maryland had an Irish provenance. Edgar Allan Poe, great-grandson of John Poe who came to America about 1743, was born in Boston, Mass., in 1809 and died in Baltimore, Md., at the age of forty years. During his nonage, he lived in Virginia. At the age of twenty-one his benefactor, Mr. John Allan of Richmond, procured for him a cadetship at the West Point, N. Y., Military Academy where he remained for a very brief period. He resided for a time in New York City and in Philadelphia, subsequently removing to Fordham, N. Y. His young cousin-wife Virginia (née Clemm) died in 1847. Edgar Allan Poe spent the summer of 1849 at Richmond, Va. He died, during a visit to Baltimore, on 7 Oct. 1849 and his remains are interred in the burial grounds of Westminster Presbyterian Church, an old cemetery belonging to the First Presbyterian Church of Baltimore.

Neilson Poe, a second cousin to Edgar Allan Poe, was born in Maryland, in the same year as the poet. He occupied a prominent place at the Maryland Bar. He, likewise, was devoted to literature and his life was characterized by "public spirit, courage, intellectual vigor, force and skill as a writer, and strength and fervor as a speaker." He befriended his unfortunate relative, the poet, in the latter's fatal illness and was with him to the end. Neilson Poe was the father of the illustrious John Prentiss Poe, Esq., of Baltimore. The latter had six sons, each of whom in turn entered Princeton University, where they became famous as outstanding members of the "Varsity" football teams. It was remarked that as soon as one of the brothers was graduated, another arrived to take his place on the Princeton team; which gave a foundation to

the story that their father "was under contract to supply Poes for Princeton."

Edgar Allan Poe married his first cousin, Virginia Clemm. His second cousin, Neilson Poe, married Josephine Emily Clemm who was a half-sister of Virginia Clemm. The father of these two sisters, William Clemm, Jr., married (1) Harriet Poe, mother of Josephine Clemm and aunt of Neilson Poe. William Clemm, Jr., married (2) Maria Poe, mother of Virginia Clemm, step-mother of Josephine Clemm and aunt of the poet. The father of Edgar Allan Poe, David Poe, Jr., was cousin-germane to Jacob Poe, father of Neilson Poe. This is all very perplexing, of course, and only a diagram will serve to clarify the puzzle (see chart on page 420).

## FAMILY OF WILLIAM FARIS (1728-1804)

### THE ANNAPOLIS SILVERSMITH <sup>1</sup>

By LOCKWOOD BARR

Having been reared in Philadelphia where he served an apprenticeship as a watch and clockmaker and silversmith, William Faris sometime before 1757 settled in Annapolis and worked at his trade until his death August 5, 1804.

William Faris on March 29, 1761, married Priscilla Woodward, the daughter of Abraham Woodward and Priscilla Ruley, of Anne Arundel County. Their children, all born in Annapolis, were:

1. A son unnamed	b. Jan. 3, 1762	d. _____	infant
2. William	b. Dec. 5, 1762	d. _____	m. Kesiah Hoskins
3. Charles	b. Sep. 29, 1764	d. Sep. 1, 1800	bachelor
4. Rebecca (I)	b. Nov. 29, 1765	d. Oct. 14, 1768	infant
5. Hiram	b. Jan. 18, 1769	d. Aug. 30, 1800	bachelor
6. St. John	b. Dec. 27, 1770	d. July 27, 1796	bachelor
7. Ann	b. May 9, 1773	d. Mch. 17, 1860	m. Capt. Wm. Pitt
8. Abigail	b. Mch. 10, 1775	a. _____	m. Capt. Arch. Kerr
9. Rebecca (II)	b. Dec. 11, 1778	d. Aug. 19, 1800	not married

William Faris died intestate in 1804. His mantle was inherited by his principal apprentice, William McParlin,<sup>2</sup> who took over the business and conducted it until his death in 1850. McParlin purchased the Faris home at 25-27 West Street. This property Faris had taken over from the estate of Philip Syng, the Annapolis silversmith who resided there until his death in 1738.

William McParlin married Cassandra Hillary Beall Woodward, a niece of Mrs. Faris who made her home with the McParlins until her death on March 14, 1817, aged seventy-eight years.

The relations of William Faris to his offspring, his critical attitude towards his sons with whom he constantly quarrelled, his adoration of his daughters, particularly Ann, and the reaction of these children to their parent, shed light upon this strange and fascinating man from an angle not to be gained from other sources. We know what his children did and a little of what they

<sup>1</sup> See *Maryland Historical Magazine*, Vol. XXXVI, No. 4 (Dec. 1941), pp. 420-439, for a brief biography of William Faris by Lockwood Barr, whose wife, Berenice Owens, is a descendant through Ann Faris and Capt. William Pitt.

<sup>2</sup> A brief biography of William McParlin appears in *Maryland Silversmiths* by J. Hall Pleasants and Howard Sill (Baltimore, 1930), pp. 60-61.



said. That is in his Diary.<sup>3</sup> He carefully recorded their faults and virtues.

William Faris, Jr. (2), was born in Annapolis on December 5, 1762. The date and place of his death have not been found. Like his brothers, he served his apprenticeship at clockmaking under his father; and like his brothers, he quarreled with his father and left home.

There is no positive evidence that he was in the Army during the Revolution, but he was old enough to have served a short period at the close of the War. The first definite reference to him was in 1790 when he was twenty-eight years old. He was then in Norfolk, Virginia. That reference is in the poem, "The Will of William Faris," by Charlotte Hesselius.

. . . My Buckels and Cane to my son William I give  
And no more, because he's got substance to live,  
His road I took care in his youth to instruct him  
Tho' I say it myself, a princess might trust him.  
The dog grew ungrateful, set up for himself,  
And at Norfolk, they say, he has plenty of pelf.  
Since he's gone away it will be best for his brothers. . . .<sup>4</sup>

The records at Norfolk do not make any reference to William Jr. nor to his activities in that place, but presumably he was following his trade. The following entries in the Diary of William Faris tell their own story of his wanderings.

1793. Jan. 7. This evening a Capt. Sinnett come heare and told me he saw my son William in the Havannahs and that he was well and was doing very well, that he had altered a grate deal for the better about 2 mos. ago.

1793. May 1. Received a letter from my son William dated Havannah, March 24th.

1797. Jan. 8. In the Evening I saw Capt. Farling at Mr. Randals who told me he saw my son William at Jackomel in the Island of [illegible]. There is a seaport named Jackmel in Haiti].

1800. Nov. 3. Received a letter from my son Wm. in Edenton, North Carolina, Directed to Mr. Wm. Pitt.

1801. Feb. 11. this Afternoon a young man by the name of Nathl.

<sup>3</sup> "Extracts from Diary of William Faris," appeared in the *Maryland Historical Magazine*, Vol. XXVIII, No. 3 (Sept. 1933), pp. 197-244. The original Diary is in possession of Sumner A. Parker of Baltimore, a direct descendant.

<sup>4</sup> Printed in Pleasants and Sill, *Maryland Silversmiths, 1715-1830* (Baltimore, 1930).

Smith called heare to let me know that he was just from Edenton, North Carolina, that he was Acquainted with my son William, thay Boarded in the same house together, and he tells me that my son has been in Edenton upwards of two years past & that he has 40 or 50 Watches in his Window.

After 1801, Faris lost contact with his son William, as there are no further references to him in the Diary.

In the October, 1799, term of court at Edenton, William Faris witnessed a will that was probated. On December 11, 1803, there was recorded in the Court House there the marriage bond of a William Faris and Kesiah (Hoskins) O'Neill, a widow. In 1786 Kesiah Hoskins had married Peter O'Neill, whose will was probated in Chowan County, North Carolina, May 19, 1803. It mentions his wife Kesiah, his daughters Katherine and Elender, and sons Charles and Tully. No record of these children has been discovered. The date of birth of Kesiah cannot be found. Search has failed to discover even the date and place of her death. At the time of his marriage William, Jr., was forty-one years old. No reference to children by this marriage of Kesiah and William has been discovered. No silver made by William Faris Jr. has been found and no clocks have been attributed to him. Apparently he was primarily a watchmaker and jeweler.

Charles Faris (3) was born September 29, 1764. He died a bachelor on September 1, 1800, aged thirty-six years. Charles served his apprenticeship in his father's shop.

He became one of the leading silversmiths of Maryland during his brief career and his silver is the work of a master craftsman and artist. In the Metropolitan Museum of Art in New York there is an exquisite silver service by him, consisting of a tall graceful coffee pot, a creamer and a sugar bowl. His touchmark was C<sup>s</sup> Faris. In the *Maryland Gazette*, May 26, 1796, appeared this advertisement:

Charles Faris  
Clock and Watchmaker  
Annapolis

Has received an assortment of gold and silver warranted watches, gold, gilt and steel watch chaines, and Seals, plated Castors, Candlesticks and Salts, with many other articles in his line, which he will sell Low for Cash.

Charles Faris and his father were quarreling continually, and

in the Diary there are many references to their disagreements. Evidently he worked in his father's shop until 1793 when there is an entry in the Diary to the effect that Charles had opened his own shop. He continued to live in the family home, however, until 1797 when he departed because of a squabble.

1797. June 4. Sunday. since last Wednesday Charles has left off Breakfasting here—he comes to Dinner & when he comes mumbles out something like, how do you do papa, in a manner that appears to me that he would Rather not speak at all, today at Diner Charles took it into his Head to get up in a pet without Eating his Diner, when he came in he never spoke a word to me—nor I to him—

1797. Sep. 10. Charles Faris came here this morning & asked me how I did, I Reply'd to him and asked him if he spoke to his Brother and had made up with him, he said he was willing to make up with Hiram if so he would speak to him, I said not till then, he said no, I told him he ought and that I expected that he would, for to my certain knowledge he was very much in the Rong and that he had Use Hiram very Ill and that if he did not speake to him, that I would never speake to him more. Hah! says he, I am not the first son you have turned out of Doors and that I had never done anything for him—and it appears to me from his present and former Conduct to me for 12 months Past that he has been Wanting to Quarrel with me. He took up his hat and went off.

1797. Sep. 24. I told Mrs. Faris to tell *her son* Charles that if he did not comply with my Request that he should not have the Washing done here any longer.

In 1800 fever swept Annapolis and Baltimore and by summer it was an epidemic. William Faris nearly died himself and lost three of his children—Rebecca on Aug. 19th, Hiram on Aug. 30th and Charles on Sept. 1st. These entries from the Diary tell part of that tragedy.

1800. Aug. 24. I am very Unwell—am afraid Charles is going to be sick.

1800. Aug. 28. Charles is very weak and low this afternoon he got up and walked 3 or 4 steps to a chair and fainted.

1800. Aug. 31. Poor Charles is much worse to Day, so much so that the Doctrs has no hopes of his Recovery but while there is life there is hopes.

1800. Sept. 1. About 2 o'clock this morning my son Charles Faris died of Yellow Fever in 36 year of his age.

Hiram Faris (5) was born January 18, 1769. He died a bachelor on August 30, 1800, aged thirty-one. Like his brothers, he grew up in his father's shop and became a skilled workman.

In the *Maryland Gazette*, issue of September 12, 1793, there appeared the announcement of Hiram Faris who styled himself watch- and clock-maker, Church Street, Annapolis, informing the public that he had opened a shop next door below Mr. Nicholas Brewer and directly opposite the General Court Office, where he carried on the above business in all its branches and likewise carried on silversmith and jewelry business. No silver bearing his mark, however, has been found.

In the book of shop designs of William Faris, now in the possession of the Maryland Historical Society, there is a beautiful design for a painted tall clock face on which is inscribed "Hiram Faris." These shop designs are reproduced in *Maryland Silversmiths*. Hiram was quite a painter, and there is a miniature on ivory of Capt. St. John Faris, the sea captain, which is attributed to Hiram.

In her poem, "The Will of William Faris," Charlotte Heselius has this to say about Hiram:

. . . all the tools in my shop to said Hyam I give  
 And, if he minds work, he'll make out to live.  
 My coat, which I turned, is a very good brown  
 And may serve many years to parade in the town.  
 'Twill be good as ever if he takes my advice,  
 And the buttons of silver will make it look nice,  
 The place in the back which is greased by my club  
 Would come out if he'd take good care to rub  
 It with soap and with brush or good spirits of wine  
 Which will freshen the cloth and make it look fine.  
 The coat he must wear with my corduroy breeches  
 When Abbey has given them a few odd little stitches.  
 And Ab' will be kind, I know, to her brother,  
 Because he's the favorite of me and his mother.  
 A pair of silk hose I had when a boy  
 Intend shall be his: 'twill give him much joy.  
 To own these said hose he has begged for so often  
 But they ne'er shall be his till I'm safe in my coffin.

Most of what is known of Hiram is disclosed in the entries in the Diary, some of which are quoted:

1793. Dec. 21. Hiram sett off to walk to Baltimore this morning at 10 oclock to see his Brother St. John and to Endeavour to Stop him from going the Voyage to Amsterdam on acc't of the Algereans.

1793. Dec. 24. Hiram expects to sail to Morrocco and intends wright-

ing to me from the Capes. He laughs about the Algereens. [Where he went or what he did on this voyage is not recorded.]

1794. Sep. 16. Lieutenant Davidson brought Hiram's substitute [in the militia] and I paid him 35 Dollar.

1795. Nov. 23. this afternoon Hiram show'd me a letter wrought by Governor Stone Recommending him to the President—requesting he would appoint Hiram an office in the Mareen Service.

1795. Nov. 29. Hiram apply'd to Mr. George Dent & he has given him a Letter of Recommendation to the Secretary of War for a Lieutenants Commission in the Mareen Service.

1799. Mch. 20. After Braekfast Hiram went down to Charles' Shop.

1799. Apr. 2. this afternoon Hiram's moved his Chest away from my House to where I don't know.

1799. Apr. 4. this morning Hiram came heare to bid the family fare Well, he's going to Baltimore. He bid his mother & sisters farewell, he came to me, I asked him if he was going to leave he answered yes, I then told him he might go where he pleased, I had nothing to say to him, he went off.

1799. Apr. 5. I am informed that Hiram went off for Baltimore, in some Boat to Day, he has not been near since yesterday morning.

1800. May 11. Hiram came Home from Baltimore in the Packett.

1800. June 6. Between 8 & 9 oclock my Ungrateful Son Hiram left me to go to Baltimore and I never Expect to see him More.

1800. Aug. 28. Nancy Received a letter from her Brother Hiram dated the 26th, he says that he shall go on Board in 4 or 5 Hours the Ship Commerce—Capt. Tompson[?] to Amsterdam. [Apparently he did not go on that journey—note the next entry.]

1800. Aug. 30. Hiram died of yellow fever.

St. John Faris (6) was born on December 27, 1773. He took to the sea as a lad, and at the early age of twenty-one was an officer on sailing vessels in the trans-Atlantic trade out of Baltimore. He died a tragic death at sea on July 27, 1796, aged twenty-three years, on his vessel the *Hebe* of Baltimore, of which he was captain. Yellow fever broke out on his boat and most of the crew and passengers were ill and many died. Capt Faris was a bachelor.

Capt. Faris was the favorite son of the "Old Man" who was always bursting with pride at the accomplishments of his sea-faring son. His arrivals and departures were faithfully chronicled in the Diary.

1793. May 5. A letter from my son Saint. He is well. He left Liverpool the 7th March and arrived at Baltimore the 2nd of May (nearly



two months). He sent his Mother Yarn and Mrs. Stevens's Silk he carried to be Died.

1793. Dec. 3. Tuesday morning got up Earley & went down to the point to see my son St. Braekfast'd with him where he boards and after braekfast went to see Capt. Francis DeCross in a large 3 Decked ship called the Gift of God of Bordux—but last from St. Domino.

1794. July 22. This morning about 8 o'clock Saint sett off for Baltimore in the Stage in Company with Mr. Angel the printer—to take the Snow Commerce as Captain. [James Angell was one of the proprietors of the *Maryland Journal* of Baltimore.]

1794. Oct. 22. Capt. St. John Faris sett off—to go to St. Michels on the Eastern Shore to take Charge of his new ship.

1794. Nov. 8. in the evening I receiv'd a letter from my son Capt. Faris, his ship is called the Hebe.

1795. Jan. 1. Capt. St. John Faris came home from Baltimore his ship at anker in the Bay Bound to Croney in Spain, then to St. Jubes, from there to Lisbon, then to Petersburg in Russia.

1795. Nov. 20. A letter from Capt. Faris, he arrived in Baltimore yesterday, had a passage of 60 Days from Hamburg to Fell's Point.

1796. Jan. 21. about 10 o'clock Capt. St. John Faris went on board in Capt. Thomas's Boat and by 11 o'clock was under way bound to Amsterdam.

And here William Faris records in his Diary real tragedy.

1796. Aug. 19. Arrived at New York the Ship Atalanta Capt. Holbrook's Log Book, Aug. 5th, saw a ship haveing a Signal of Disress, we hoisted out our yawl and Went on Bord, she proved to be the Hebe of Baltimore, which sailed from Amsterdam May 7th under the Command of St. John Faris with 23 passengers bound to Baltimore. When they had been a few weeks at sea a number of them were attacked with a contagious Destemper of which Capt. Died in a few days. at the time we boarded her there was 7 dead, the first and second mate and many of the passengers confined to their berths and only 3 hands left capable of working the Vessel. They had lost by sickness upwards of 100 persons.

1796. Wednesday Aug. 24. in the Tuesday paper I see a further acct. of my Poor Son [St. John], it's from the Same Vessel, Capt. Rich'd Holbrook who says Capt. Faris was taken sick the 20th of July and Died on the 27th.

Ann Faris (7) was born on May 9, 1773, in Annapolis. She died on March 17, 1860, aged 67 years, in Baltimore. Ann married Capt. William Pitt, a prosperous and successful ship-owner and operator of a line of pilot vessels. Capt. Pitt was born on January 14, 1768, and ided on December 29, 1848, aged 80 years.

He was the son of Capt. John Pitt of Baltimore, also ship-owner and sea captain.

Here are two entries from the Diary about "Nancy," as her father called her:

1796. June 19. this morning Mr. Pitt Brackfasted with us and after Brackfast he asked mine and Mrs. Faris's consent for our Daughter Nancy, neither of us had any objection to him therefore I suppose it will not be long before they are married.

1796. Thursday July 7. this Evening Wm. Pitt was married to my Daughter Nancy by Parson Higgenbottom. Present Mrs. Thomas, Mrs. Stevens, Mrs. Golder & Miss Ackmead, Mr. Whitcroft, Mr. McMyers & Capt. Gardner.

Capt. William Pitt was a widower, having first married Hannah Williams on January 29, 1795. She died a bride and was buried September 27, 1795. To Capt. Pitt and Ann Faris were born nine or more children, as follows:

1. Priscilla Ann	b. Mar. 13, 1797	d. July 17, 1798
2. Rebecca Maria	b. June 7, 1798	d. Jan. 1, 1834
3. Hannah Williams	b. Jan. 16, 1800	d. July 23, 1837
4. William Faris	b. Dec. 11, 1801	d. Oct. 18, 1821
5. John Charles	b. Aug. 2, 1803	d. June 16, 1876
6. Joseph Henry	b. July 12, 1805	d. Sept. 3, 1822
7. Charles Faris	b. Feb. 7, 1808	d. Apr. 8, 1887
8. Priscilla Eliza	b. Dec. 8, 1809	
9. Eliza	b. July 4, 1812	d. July 13, 1802

A portrait of Rebecca Maria Pitt, credited to Eichholtz, is owned by Mrs. Charles T. Maxwell, Sioux City, Iowa, a descendant; and a companion portrait of John George Chappell, her husband, is owned by Miss Sallie L. Chappell, a descendant, of Washington, D. C. A portrait of Mrs. Ann Faris Pitt with her infant daughter, Hannah Williams, is owned by Miss Marion McP. Abrahams, of Baltimore, a descendant through Hannah Williams Pitt.

Charlotte Hesselius gives us this thumb-nail sketch of Ann:

. . . To Nancy, the darling of me and my wife,  
I give and bequeath the spinnet for life  
Once I thought she would play with the help of a master  
But, it grieves me to say, she learned not a bit faster,  
Harry Woodcock I trusted to teach her to play,  
But I soon found 'twas money and time thrown away;  
So she did what was right, made me save all my pelf,  
And picked out a tune here and there by herself.

Through Ann Faris and Capt. William Pitt there have been many descendants. A record has been compiled of several of the families which stem from Ann, and their offspring down to the present generation. A copy of this record has been filed with the Maryland Historical Society.

Rebecca Maria Pitt on July 17, 1817, married John George Chappell of Baltimore. They had a number of children, among them being William Pitt Chappell, the grandfather of Berenice Owens, of Pelham Manor, New York, wife of the author.

Priscilla Eliza Pitt, upon the death of her sister, Rebecca Maria, married her brother-in-law, Chappell, and they had a number of children.

Hannah Williams Pitt on February 17, 1820, married Frederick Littig, who subsequently added Shaffer to his name. They had eight or more children. Upon her death in 1837, Frederick Littig Shaffer married Catherine Ann Smythe, daughter of Capt. James Smythe, of St. Mary's, Georgia, and they had eight or more children. Capt. Smythe was the great-great-grandfather of Berenice Owens.

Of William Faris Pitt, John Charles Pitt and Joseph Henry Pitt there is no record of descendants. Charles Faris Pitt married Catherine Chappell, sister of John George Chappell. Their descendants include Miss Sophie Pitt and the late Faris C. Pitt, of Baltimore.

Abigail Faris (8) was born on March 10, 1775, in Annapolis. The date of her death has not been found, but it was before 1836 since she is not mentioned in the will of her husband written in that year. On January 21, 1802, at the age of twenty-seven years, she married Capt. Archibald Kerr, of Baltimore, a sea captain and ship-owner, who before his marriage had spent much of his time on business in Annapolis where he was a frequenter of the tavern of Faris. The marriage is recorded by William Faris in his Diary as follows:

1802. Jan. 21st. Thursday, in the Evening my Daughter Abigail was married to Capt. Archd Kerr by Mr. Ralph Higgenbotham, present Mr. Stevens & wife, Miss Ranken, Mrs. Brice, Mrs. Randel, Nancy & Polly Harwood, the 2 Miss Owens, Mr. Thos. Harwood & 3 Gentlemen from Baltimore, Capt. Philip Grabell, Mr. Ruben Ettings, Ludwell Taylor.

The Diary records that on November 16, 1803, there was born "a fine Boy & that thay are all well and harty."

1804. April 11. Abee & nurse a[nd] littel Allexr. & Charrity went off in the Packet to Baltimore. [This child was christened Archibald but called Alexander in his infancy].

The children of Abigail Faris and Archibald Kerr compiled from his will, the Diary and other sources were:

- |                   |                         |                |
|-------------------|-------------------------|----------------|
| 1. Archibald, Jr. | b. Nov. 16 1803         | d. before 1836 |
| 2. Charrity (?)   | m. William Patterson    |                |
| 3. Georgiana      | m. Henry Donnell Hunter |                |
| 4. Isabella       | m. William H. Steuart   |                |
| 5. Washington     | b.                      | d. 1832        |

The grandchildren were Archibald Kerr, son of Archibald, Jr.; George and Henry, sons of William Patterson. Capt Kerr's will is dated November 21, 1836, and filed May 6, 1839.

The Baltimore City Directories for 1802 and 1803 list Capt. Archibald Kerr, Mariner, on Alisann, now Aliceanna, Street, Fells Point. In 1807 and 1808, he was at 47 Fells Street, where in 1810 he operated a rope store. In later directories he was at various addresses in Fells Point.

## BOOK REVIEWS

*Archives of Maryland*, LVIII: *Proceedings and Acts of the General Assembly of Maryland, 1762-1763* (27). Published by Authority of the State under the direction of the Maryland Historical Society. J. HALL PLEASANTS, Editor. Baltimore: Maryland Historical Society, 1941. Pp. i-lxxix, 1-614. \$3.

This stout volume, the twenty-seventh in the printed series containing the Proceedings and Acts of the General Assembly, brings us, one may guess, within two or three volumes of the end of the record of the Maryland provincial legislature. It brings us to the climax of the political and constitutional struggles of the French and Indian war period between the House of Delegates on the one hand, and the governor, council, and lord proprietor on the other. The next period of assembly struggle, ending in the final provincial session in 1774, and in the dissolution of proprietary government, was to produce new variants in the contest between the "country party" and the "court party," particularly the officers' fee and the vestry struggles of the early seventies; but the eve of the Revolution itself was to evoke no more irreconcilable political attitudes and claims than those which appear in the assembly messages in this volume.

The provincials' own choice of their strongest arguments are to be found in the messages of April, 1762, in which the lower house urged, and the upper house rejected, a military supply bill which would have taxed the income and curtailed the executive authority of the lord proprietor and his officials, and would have expanded the power and prestige of the House of Delegates. By a wise editorial choice, this volume reprints in an appendix the 1762 supply bill: it was printed in pamphlet form in 1762 as a sort of political platform for the "country party," and the important messages, giving the principal arguments for and against the bill, were printed with it. Thus the volume becomes something larger (and better) than what it sets out to be, a mere record of the day-by-day achievements of the legislature. This pamphlet takes assembly business outside assembly doors; it suggests to the student the pre-democratic beginnings of public opinion and public influence in Maryland affairs. In the American colonies, as in the mother country, the increasing rôle of the printing press is too often overlooked in the story of politics and institutions.

There is much else besides the movement for self-government in the pages of this volume. Does an historical investigator wish to write the history of pre-Revolutionary nationalism? Let him study the proposals for establishing a Maryland college; and let him link those proposals not only with the tensions of Maryland politics but also with the increase of higher education in the other colonies during the mid-eighteenth century. Does he wish to study trade? Or religion, including the ugly war-time phenomenon of anti-Catholicism? Is he interested in the growth of towns? In the relationship of local government—county courts and parishes—to provincial government? Here are materials for such investigations.



The scholars and officials who have brought out this volume have maintained Maryland's tradition of excellence and completeness in the publication of colonial records. It is now the responsibility of independent scholars to use the record with the same fidelity, the same inclusive and critical spirit, as has gone into the preparation of the text.

CHARLES A. BARKER

*Stanford University*

*Records of the Columbia Historical Society of Washington, D. C., 1940-1941.* Edited by NEWMAN F. MCGIRR. Washington, D. C.: The Society, 1942. viii, 309 pp.

The Columbia Society's new volume contains addresses made at Society meetings, supplemented by papers embodying research by Society members. Mr. Allen C. Clark, president of the Society, is author of an interesting sketch of the career of Captain James Barry, merchant at Baltimore and Washington. Barry's portrait accompanies the article. After mercantile experience in London, Bombay, and Lisbon, the captain came to Baltimore in 1793. He made wharf improvements at Fell's Point and engaged in mercantile business. He had married a Portuguese wife in Lisbon, and in Baltimore he held the office of Portuguese consul. With the removal of the seat of government to Washington in 1800 that city seemed likely to become a great trade center. Barry planned a mercantile career there and removed from Baltimore in 1800, but the expected opportunities did not develop. He then went to New York in 1805 and died there in 1808, being then consul-general for Portugal. Barry's home in Washington was razed only recently. Another paper by Mr. Clark relates the causes leading up to the Barron-Decatur duel in 1820, and gives a detailed account of the duel fought at Bladensburg, on Maryland soil.

George Magruder Battey reviews some parts of the colorful career of Maryland's Ninian Beall. This paper, too, is illustrated with a portrait of its subject. The facts deal mostly with Beall's experience in the English civil war and with his subsequent servitude in Barbadoes, from whence he came to Maryland. Here he married, raised a family and, if estimates are well based, has now 70,000 living descendants. An editorial note to this paper quotes a statement that Beall's remains were brought to light during building operations in the Georgetown section of Washington. Nothing is said as to the accuracy of the statement, or as to the later disposal of his bones.

Another chapter in Maryland history is covered by a sketch of George Gordon, pioneer merchant, land owner, and land jobber at Rock Creek in the days before Georgetown existed. When the General Assembly in 1745 authorized the establishment of a tobacco inspection house on Gordon's land it unwittingly began the development of the later national capital.

Of less interest to Maryland readers are valuable articles on the history of Suter's tavern at Georgetown, on the life of the scholar Peter Force, and on the glebe land in Alexandria County, Va.

LOUIS D. SCISCO

*Charles Williamson, Genesee Promoter, Friend of Anglo-American Rapprochement.* By HELEN I. COWAN. (Rochester Historical Society Publications XIX.) Rochester, N. Y.: The Society, 1941. 356 pp. \$4.

One hundred fifty years ago, Captain Charles Williamson, late of the Twenty-Fifth Regiment of the British Army and a former prisoner of the American revolutionists, became a naturalized citizen of the United States at Philadelphia. Already he had found life in a young country fascinating enough to marry the daughter of his erstwhile jailor at Roxbury, Massachusetts. Now, thirty-four years of age, not unhandsome, energetic and imbued with many attributes of the modern high pressure promoter, Williamson had further designs upon America's bounty. As agent for the Pulteney Association (British), owners of 1,000,000 acres of Genesee lands in western New York, the former British officer was eager to found a settlement "for Peace, Plenty, and every luxury this world can afford." Citizenship was necessary to hold land in those days of strained Anglo-American relations following the Revolution.

Yet, Williamson's Americanization was no pretense. He believed in the economic possibilities of the Genesee, and politically he was republican enough to endorse Federalist policies whole-heartedly. The testing of his patriotism came with the frontier quarrels involving Fort Niagara and Sodus Bay. At no little risk to himself, considering his former status as a British officer, he refused to follow the dictum, Once an Englishman, always an Englishman.

Maryland readers will find particular interest in Williamson's opening of the Susquehanna Trail, his encouragement of trade between Genesee and Baltimore, and his efforts to bring about migration from Maryland to his project. That his efforts were not entirely unsuccessful is evidenced by the frequency with which the familiar names of Ellicott—both Andrew and Joseph—Carroll, Caton, Carson, Dorsey and Fitzhugh—the latter at least half a Marylander—are scattered through the study. Too, Colonel Nathaniel Rochester whose name stands for a thriving city today in the Genesee country is mentioned.

The emphasis of the book is on the management and the financial aspect of the Association. In these matters, Williamson, with the boundless optimism of many contemporary dealers in real estate over-reached himself and met with disaster. The book is objective, documented and scholarly, though the style is sometimes turgid. Excellent illustrations from contemporary sources contribute to the book, as do end-papers by the inimitable Yardley of Baltimore.

HAROLD RANDALL MANAKEE

*Robert Colgate the Immigrant: A Genealogy of the New York Colgates and Some Associated Lines.* Compiled by TRUMAN ABBE and HUBERT ABBE HOWSON. New Haven: Tuttle, Morehouse & Taylor Co., 1941. 464 pp., 5 charts. \$5.

This is a genealogy and history of the well-known American family of Colgate—the family which endowed and gave its name to Colgate Uni-

versity. The family is fortunate in having had for its founder a man of education and, apparently, of ideals, whose life and tribulations are set forth in an interesting manner in this work. The English part of this history is especially worthy of notice; so too the account of the founding and development of the soap business in America. Other families of Colgate receive notice, notably that of Colonel Richard Colgate, who settled in Baltimore County (not Baltimore, as this genealogy has it) before 1700, and is responsible for the name of Colgate's Creek on Patapsco River. We understand that this part of the Colgate genealogy is taken from a work styled *Ancestry and Descendants of Richard Colgate Dale*, which this reviewer has not had an opportunity of examining. As given in the Colgate Genealogy, the alleged parentage of Richard Colgate must be taken on faith. We are surprised to learn that he was, in fact, "Sir" Richard, and that his mother-in-law, who figures in Baltimore County records as Mrs. Rebecca Herbert, was "Lady Herbert." On the whole, however, even if this small part is doubtful, the Colgate Genealogy seems to be very well put together. It is handsomely printed and generously supplied with illustrations. It is noteworthy that the Colgates were, on the whole, a better looking sort of people than the disgruntled and sometimes forlorn looking individuals, photographs of whom are interspersed among the pages of so many genealogies. No doubt the qualities of the founder, who came of a substantial Kentish yeoman family, had something to do with this, and affluence contributed its part.

WILLIAM B. MARYE

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#### OTHER BOOKS RECEIVED

- Guide to the Manuscript Collections in the William L. Clements Library.* Compiled by HOWARD H. PECKHAM. Ann Arbor: University of Michigan Press, 1942. 403 pp.
- The Superior Court Diary of William Samuel Johnson, 1772-1773.* Edited by JOHN T. FARRELL. [American Legal Records, Vol. IV.] Washington, D. C.: American Historical Association, 1942. lxxv, 293 pp.
- Catalogue of American Portraits in the New York Historical Society . . .* New York: The Society, 1941. 374 pp. illus. \$2.
- Survey of the Manuscript Collections in the New York Historical Society.* New York: The Society, 1941. 96 pp. \$1.
- William Grant Cook, His Ancestors and Descendants.* [WILLIAM G. COOK, compiler.] Chicago, Illinois: The compiler, 1942. 178 pp.

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#### NOTES AND QUERIES

##### THE FRIETSCHIE EPISODE

Editor, *Maryland Historical Magazine*:

I read with great interest the article "Barbara Frietschie" by Dorothy M. and William R. Quynn, in the September number of the Magazine.

It is, undoubtedly, the most scholarly contribution to this much discussed subject.

However, though the authors refer to H. Kyd Douglas' *Battles and Leaders of the Civil War*, they do not refer to his *I Rode with Stonewall*. I remember Douglas well. He was a man of undoubted integrity, whose boyhood home was not far from Frederick. In the book just referred to, Chapter XV, the complete story of Jackson's movements at the time in question are given.

After referring to the fact that Stonewall Jackson was anxious to see the Rev. Dr. Ross, but was unable to do so because the Doctor had not yet arisen, the author continues:

We then went by the most direct route through Mill Street to the head of the column. As for Barbara Frietchie, we did not pass her house. There was such an old woman in Frederick, in her ninety-sixth year and bedridden. She never saw Stonewall Jackson and he never saw her. I was with him every minute while he was in the town, and nothing like the patriotic incident so graphically described by Mr. Whittier in his poem ever occurred.

Douglas' further statement suggesting that Barbara Frietchie would have preferred to have waved the Confederate flag seems to be more than doubtful. Yet, it had nothing to do with his description of what occurred at Frederick. It is referred to in Note 4 to Chapter XV.

WALTER H. BUCK

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Editor, *Maryland Historical Magazine*:

We appreciate Mr. Buck's interest in our article.

If we had published a bibliography of Barbara Frietschie material, we would have included Henry Kyd Douglas' *I Rode with Stonewall*. Although we have cited this and other accounts by Douglas, we have found it impossible to rely on him for *contemporary* evidence, owing to the form in which this material is presented.

According to Fletcher Green in his scholarly chapter at the end of this book, Douglas rewrote his manuscript in 1898-1899, using his diary and other papers. He had previously published sections dealing with the occupation of Frederick. These earlier accounts, which appeared in 1886, denied the Barbara Frietschie story, or at least Jackson's part in it. They did not mention Jackson's route through Frederick.

When the manuscript was reworked in 1898-1899, some changes were made. We have not seen the manuscript and the book does not indicate additions. That there were some is revealed by references to events happening after 1862.

A comparison of the accounts published in 1886 with that appearing in *I Rode with Stonewall* shows only one added statement which had not been made in print by other writers between 1862 and 1898, — that Douglas was a friend of Dr. Zacharias. All other details added had been discussed publicly in Frederick and elsewhere and published by persons writing about Barbara Frietschie. Some of the facts had appeared in the newspapers.

It is quite possible that the details of Jackson's route had been recorded in Douglas' original diary. We cannot assure that this was the case without examining the diary, especially since Douglas lived near Frederick after the war and must have been in touch with what was being said and written there. If he rewrote his recollections in 1898-1899, his memories of the affair may have been colored by what he had heard in more recent years. We would welcome evidence that this was not the case.

WILLIAM R. QUYNN  
DOROTHY MACKAY QUYNN

#### MORE ABOUT EMINENT MEMBERS OF THE BAR

Editor, *Maryland Historical Magazine*:

Chief Judge Carroll T. Bond of the Court of Appeals in a recent letter with reference to my article published in the September number of your magazine, "The Names of the Great Lawyers on the Frieze of the Baltimore Supreme Bench Court Room," has been good enough, after giving the article too generous praise, to suggest "some interesting additional facts and some amendments;" and for the sake of historical accuracy I hasten to call attention to the amendments which should be made.

In speaking of Kilty I stated, "As there were no reports of the decisions of the Court of Chancery in that day, few, if any, of his decisions are preserved," and there is nothing under the name of Chancellor Hanson implying anything to the contrary as to his decisions. I am indebted to Judge Bond for reminding me that "A number of Kilty's opinions appear in Reports of Appeals from Chancery in 2 H. & J. to 7 H. & J. and of Hanson's opinions in the early *Maryland Reports* up to 3 H. & J.

Under the name Duvall I stated that he "in 1796 resigned (from Congress) to accept the appointment to the highest court of Maryland." Judge Bond, author of the best history of the Court of Appeals, states, "Duvall was never on the Court of Appeals"; in point of fact, Duvall resigned to become judge of the General Court and in 1806 was appointed to the Court of Appeals but declined to accept. I relied for my statement on Andrews' *Tercentenary History of Maryland*, Sams and Riley's *Bench and Bar of Maryland*, *The National Cyclopaedia of American Biography* and on Carson's *History of the Supreme Court*, all of which make the same erroneous statement; and the first list of judges of the several courts of Maryland published in 4th H. & McH. has among the names of the judges of the Court of Appeals the name "Gabriel Duvall;" but in Note "e" attached, not to Duvall's name, but to that of Richard Sprigg, this appears: "Appointed in the place of Duvall, who did not accept."

Under the name of Wirt the article, in addition to stating that Wirt was a Marylander by birth, should have stated that he was, "a Baltimorean in his last years."

Judge Bond also kindly calls to notice the fact that it appears from the records of the Roman Catholic Cathedral in Baltimore, where LeGrand was baptized on July 29, 1816, that he was baptized "William John



Carroll LeGrand" and that he was born on August 31, 1815, not 1814, the year to which his birth is usually ascribed, and that this makes Judge LeGrand under thirty when he was appointed to the Trial Court.

It is also a fact that the address of Judge McSherry before the Maryland State Bar Association in Annapolis was given in 1904 and not in 1903, although the *Reports* of both years are bound together.

HENRY D. HARLAN

#### MACGILL (MCGILL) AND GRIFFITH

Information concerning the following, or addresses of their *descendants* is sought for use in printing the family tree of the Macgills or McGills of Maryland:

Sarah Warfield Griffith, daughter of Nicholas and Anne (Ridgely) Griffith, who married Amos Brown in 1808.

Elizabeth Ridgely, who married Joshua Griffith of Maryland in 1798 and moved to Owenboro, Kentucky.

Walter Ridgely Griffith, born in 1877, and his two sisters Florence and Rosanna, all children of Robert Stewart Griffith.

Thomas Macgill, who married Anna Higgins April 8, 1799, and was son of Thomas Macgill and Eleanor Pottinger.

Robert Macgill, brother of Thomas above, who married Eleanor Beall, daughter of Basil and Sarah Beall of Prince George's County, Maryland, and who died about 1832 in Kentucky.

Henrietta Dorsey Macgill, daughter of Basil Macgill of Montgomery County and sister of Dr. Lloyd Thomas Macgill, Sr., of Frederick County, Maryland. She married Michael Pugh, probably of Montgomery or Prince George's County, Maryland.

Herbert D. McGill, son of Benjamin Franklin McGill by his marriage to Helen Davis, and Lloyd and Mary children by his marriage to Theda Dodge.

JOHN MCGILL  
1523 22nd St., N. W.  
Washington, D. C.

*Bennett and Parsons*—I would like to obtain information on my ancestors, the Bennett and Parsons families. There were five Bennett brothers. One named Tilghman is mentioned in the *History of Frederick County*, which states that the Bennetts originally settled on the Eastern Shore of Maryland. The other four brothers were named John, John Rodney, John Ashley, John Pinkney, and John William. John Pinkney Bennett, my great-great-grandfather, was born September 15, 1801, in Maryland, and died March 24, 1882, in Minnesota. He married Maria Parsons. Her father, name unknown, was a member of the Continental Dragoons. She died in the 1850's in Maryland. I would like to know the names of the parents, grandparents, etc., of the Bennett brothers and to obtain data on the family of Maria Parsons.

WILLIAM M. CUMMINGS  
1076 Blair Ave.,  
St. Paul, Minn.

*Hanson*—Genealogies say John Hanson, 1st, married Mary, daughter of Col. Thomas Hussey, and had John in 1680; and that this John, Jr., married Elizabeth, daughter of Col. Thomas Hussey. The latter statement is well-known to be true. Who was the wife of John Hanson 1st? Does anyone know?

HUGH C. MIDDLETON  
314 E. Capitol St.,  
Washington, D. C.

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*Welch*—Where in Anne Arundel County was the plantation of Richard Welch, from the shore of which, during the War of 1812, the British war-ships could be seen?

GRACE VERNON SMITH  
Ridgely, Md.

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*Young Bible*—Desire information regarding the Bible belonging to John Young, formerly of 86 Mulberry St., Baltimore. The Bible descended to him from his father Jehu and his grandmother Rachel Young, and was loaned to a nephew or cousin of John, named Otho or Otis Young, wife Jennie, who lived in the South. Am trying to find name of Jehu's father and the maiden name of Rachel.

EMILY R. WILLIAMS  
22 E. 25th St.,  
Baltimore, Md.

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#### CONTRIBUTORS TO THIS NUMBER

TALBOT HAMLIN is the author of various books on architectural themes, including *Architecture through the Ages* (New York, 1940) and now has in preparation another volume to be entitled *The Greek Revival in American Architecture*. Besides having been a practitioner in the profession of which he writes with authority, he has long been associated with Columbia University where he is a lecturer and the librarian of the Avery architectural library. ☆ JUDGE W. CALVIN CHESNUT, for many years a distinguished member of the Baltimore Bar and lecturer in the University of Maryland law school, now a member of the Board of Regents of the University, needs no introduction. He has been a member of this Society since 1897. ☆ The teaching profession has lost one of the contributors to this issue to the armed services. CHARLES BRANCH CLARK has received a lieutenant's commission in the Marine Corps. ☆ WILLIAM R. QUINN and DOROTHY M. QUINN are both assistant professors in Duke University, Durham, N. C. ☆ FRANCIS BARNUM CULVER has long been a contributor on genealogical topics to this and other journals. He is an authority on heraldry and the author of *Blooded Horses of Colonial Days* (Baltimore, 1922). ☆ As stated in the issue of December, 1941, LOCKWOOD BARR is a resident of New York City who devotes his leisure time to investigation of early American clockmaking and like crafts.

## PROCEEDINGS OF THE SOCIETY

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*October 12, 1942.*—The regular monthly meetings of the Society were resumed this evening, with President Radcliffe in the chair.

The President extended a brief greeting to the members and guests and stated that he hoped that in spite of the times the Society would continue to go forward and that he had interesting plans which he hoped could be carried out during the winter months. The minutes of the last meeting and the list of persons nominated for membership were read.

The following persons, previously nominated, were elected:

### *Active*

Mrs. Anthony V. Buckness  
Mrs. Albert D. Graham  
Mr. Samuel H. Hoffberger  
Mr. Milford Nathan

Dr. David Moore Robinson  
Mr. Thomas B. Radcliffe  
Mrs. Jesse Slingluff, Jr.  
Congressman David J. Ward

### *Associate*

Mr. Richard Glass

The following deaths were reported:

Mrs. A. B. Bibbins, on May 25, 1942  
Mr. Edward J. Colgan, Jr., on September 19, 1942  
Mr. John W. Garrett, on June 26, 1942  
Mrs. John W. Harrison, on October 4, 1942  
Mr. Charles McHenry Howard, on May 19, 1942  
Mr. Blanchard Randall, on August 24, 1942

Mr. B. Howell Griswold, Jr., introduced Miss Katherine Scarborough, who gave a most interesting talk on the topic, "Tall Tales of Maryland." A rising vote of thanks was extended to the speaker. The meeting then adjourned.

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*November 9, 1942.*—The regular meeting of the Society was called to order by the President. Judge Samuel K. Dennis moved that the reading of the minutes of the last meeting be dispensed with. The motion was carried. A list of donations to the library was read. The gift of Mr. L. Manuel Hendler of a letter from Thomas Jefferson, dated May 28, 1791, at Saratoga, to Henry Remsen of Philadelphia, was announced by Judge Dennis who gave a brief outline of the subject matter. The thanks of the Society were extended by unanimous vote to Mr. Hendler for this valuable addition to the collections of the Society.

The following were elected to membership:

*Active*

Mr. Louis Azrael	Judge J. Owen Knotts
Mr. Charles M. Bartlett	Mr. Claude Lutman
Mrs. H. Rowland Clapp	Rev. B. L. McGowan
Mrs. Lelia Mitchell Egerton	Mr. William J. Mann, Jr.
Mrs. Frederick Moore Gambrill	Miss E. Verina Rider
Miss Mabel L. Gillespie	Mrs. Frances M. Rowe
Mrs. Horace Greenhaw	Mrs. Walter L. Simpson
Miss Virginia Ayres Grove	Mr. Arthur W. Tayman
Mr. Franklin P. Harry	Mr. John A. Pentz
Mr. Robert P. Harris	Mr. Edward H. West
Mrs. John Armstrong Kirby	Mr. E. Hyatt Wight

*Associate*

Mrs. Helen E. Becker	Mrs. Nellie G. Hardy
Miss C. Virginia Diedel	Mrs. George M. Harding
Mrs. Robert E. Druck	Mr. Louis J. Heizmann
Mr. John McGill	

In the absence of Mr. Griswold, chairman of the committee on addresses, the President introduced as speaker Dr. St. George Leakin Sioussat, Chief of the Division of Manuscripts in the Library of Congress. His subject was "Some Maryland Items in the Division of Manuscripts of the Library of Congress."

Vice-President J. Hall Pleasants in making a motion that the thanks of the Society be extended to Dr. Sioussat for his most interesting talk, requested Dr. Sioussat to prepare a paper showing the titles of the Maryland items in the Library of Congress, with comment on the collections, to serve as a catalogue which would be invaluable to students of Maryland history. The motion was unanimously carried with a rising vote.

The President stated that the Council has created the position of Director of the Society and he felt that the Society had been fortunate in obtaining the services of Mr. James W. Foster, who has been appointed to this position. Mr. Foster expressed his appreciation of the confidence shown him and said that he would seek in every way to advance the interests of the Society and to be of service to the officers and members.

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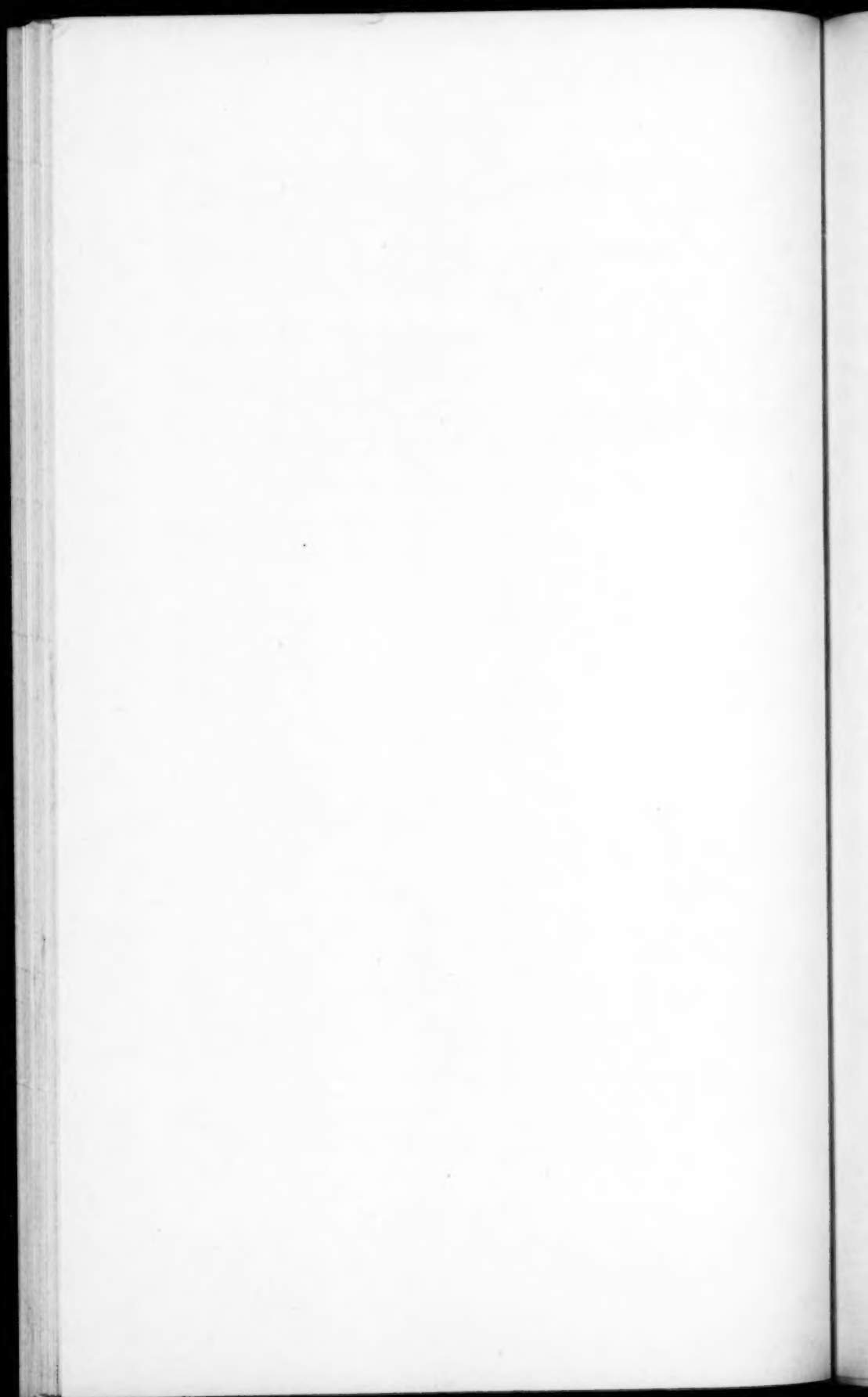
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	<hr style="width: 10%; margin-left: auto; margin-right: 0;"/>
	1,518.43
Charles Exley Calvert, Gift.....	1,150.00
Mrs. Thomas B. Gresham, Bequest (1926).....	1,200.00
Isaac Henry Ford, Bequest (1916).....	1,000.00
W. Hall Harris, Gift.....	1,000.00
Isaac F. Nicholson, Gift (1909).....	1,000.00
Isaac Tyson Norris, Gift (1916).....	1,000.00
J. Henry Stickney, Bequest (1892).....	1,000.00
Mrs. Emilie McKim Reed, Bequest (1926).....	1,000.00
Henry Stockbridge, Gift (1920).....	1,000.00
DeCourcy W. Thom, Gift.....	1,000.00
Mrs. DeCourcy W. Thom, Gift.....	1,000.00
Mrs. Mary Parkhurst Hayden, Bequest.....	1,000.00
Jane James Cook, Gift (1937).....	1,000.00
Clinton L. Riggs, Bequest (1938).....	1,000.00
Sally Randolph Carter, Bequest (1939).....	1,000.00
Sally Randolph Carter, Gift to establish the Marie Worthington Conrad Lehr memorial room (1939).....	1,000.00

Anna B. C. Hambleton (Mrs. Frank T.), Bequest (1940) .....	1,000.00
Judge Walter I. Dawkins, Bequest. ....	500.00
W. G. Baker, Gift. ....	500.00
Mrs. W. Hall Harris, Gift. ....	500.00
Adelaide S. Wilson, Gift. ....	500.00
J. Appleton Wilson, Gift. ....	500.00
William Power Wilson, Gift. ....	500.00
Mrs. Rebecca Lanier King, Bequest (1928) .....	500.00
McHenry Howard, Gift. ....	333.34
Charles McHenry Howard, Gift. ....	333.33
Elizabeth Gray Howard, Gift. ....	333.33
Simon Dalsheimer, Gift. ....	300.00
Miles White, Jr., Gift. ....	300.00
Mrs. Charlotte Gilman Paul, Gift. ....	300.00
Mrs. Arthur Robeson, Gift. ....	200.00
Henry F. Reese, Bequest. ....	200.00
Miss Nellie Williams, Gift. ....	200.00
Charles C. Homer, Jr., Gift. ....	150.00
Raphael Semmes, Gifts. ....	140.00
Mrs. George F. Libby, Gifts. ....	125.00
Samuel M. Wilson, Gift. ....	120.00
Louis H. Dielman, Gift. ....	100.00
R. C. Hoffman, Gift. ....	100.00
Henry P. Hynson, Gift. ....	100.00
William Ingle, Gift. ....	100.00
Mrs. Rebecca Littlejohn, Gift. ....	100.00
John H. Morgan, Gift. ....	100.00
Bernard C. Steiner, Gift. ....	100.00
Jane Griffith Keys, Gift. ....	100.00
Mrs. Katherine Bibb Stehman, Bequest. ....	100.00
Charles McHenry Howard, Gift (1939) .....	100.00
For Wm. Moss Boucher collection of Indian Relics.	
Elizabeth Grant McIlvain, Bequest. ....	100.00
Maryland Society Daughters of the Confederacy:	
Contribution towards restoration of Confederate Room. ....	50.00
Maryland Society Daughters of the Colonial Wars:	
Restoration of Calvert Paper No. 31½, Exemplification of the Arms of Sir George Calvert, 1622. ....	42.50
Josiah D. Swett, Jr. (1938) .....	10.00
To start a Memorial fund for his great grandfather, the late Hon. W. Hall Harris.	

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*Market Street, Baltimore, about 1850*

*Calvert Street, Baltimore, 1843*

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